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A

TREATISE OF THE LAWS

FOR THE

RELIEF AND SETTLEMENT

OF THE

POOR.

By MICHAEL NOLAN,
OF LINCOLN'S INN, ESQ. BARRISTER AT LAW.

THE THIRD EDITION,
WITH CONSIDERABLE ADDITIONS.

IN THREE VOLUMES.
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APPEN-

APPENDIX.

STATUTES respecting the Relief and Regulation of the POOR.

[5 Eliz. Cap. 4.]

An Act touching divers Orders for Artificers, Labourers, Servants of Husbandry and Apprentices.

A repeal of so much of former statutes as concerns the hiring, keeping, departing, working or order of servants, labourers, &c. And a declaration who shall be compellable to serve in handicrafts, and who in husbandry, and their several duties, &c.

ALTHOUGH there remain and stand in force presently, a great number of acts and statutes concerning the retaining, departing, wages and orders of apprentices, servants, and labourers, as well in husbandry, as in divers other arts, mysteries and occupations; (2) yet partly for the imperfection and contrariety that is found, and doth appear in sundry of the said laws, and for the variety and number of them; (3) and chiefly for that the wages and allowances limited and rated in many of the said statutes, are in divers places too small, and not answerable to this time, respecting the advancement of prices of all things belonging to the said servants and labourers; (4) the said laws cannot conveniently, without the great grief and burden of the poor labourer, and hired man, be put in good and due execution; (5) and as the said several acts and statutes were, at the time of the making of them, thought to be very good and beneficial to the commonwealth of this realm (as divers of them are), so if the substance of as many of the said laws as are meet to be continued, shall be digested and reduced into one sole law and statute, and in the same an uniform order prescribed and limited concerning the wages and other orders for apprentices, servants, and labourers,

there is good hope that it will come to pass, that the same law (being duly executed) should banish idleness, advance husbandry, and yield unto the hired person, both in the time of scarcity and in the time of plenty, a convenient proportion of wages.

Acts repealed.

II. Be it therefore enacted by the authority of this present parliament, That as much of all the estatutes heretofore made, and every branch of them, as touch or concern the hiring, keeping, departing, working, wages, or order of servants, workmen, artificers, apprentices, and labourers, or any of them, and the penalties and forfeitures concerning the same shall be, from and after the last day of *September* next ensuing, repealed and utterly void and of none effect; (2) and that all the said statutes, and every branch thereof, or any matter contained in them, and not repealed by this statute, shall remain and be in full force and effect; any thing in this statute to the contrary notwithstanding.

No person shall retain a servant in these sciences, under one whole year.

III. And be it further enacted by the authority aforesaid, That no manner of person or persons after the aforesaid last day of September now next ensuing, shall retain, hire, or take into service, or cause to be retained, hired, or taken into service, nor any person shall be retained, hired, or taken into service, by any means or colour, to work for any less time or term than for one whole year, in any of the sciences, crafts, mysteries, or arts of clothiers, woollen cloth weavers, tuckers, fullers, clothworkers, shearmen, dyers, hosiers, taylors, shoemakers, tanners, pewterers, bakers, brewers, glovers, cutlers, smiths, farriers, curriers, saddlers, spurriers, turners, cappers, hatmakers or feltmakers, bowyers, fletchers, arrow-head-makers, butchers, cooks, or millers.

What sort of persons are compellable to serve in any of the crafts aforesaid.

IV. And be it further enacted, That every person being unmarried; (2) and every other person being under the age of thirty years, that after the feast of *Easter* next shall marry; (3) and having been brought up in any of the said arts, crafts, or sciences; (4) or that hath used or exercised any of them by the space of three years or more; (5) and not having lands, tenements, rents, or hereditaments, copyhold or freehold, of an estate of inheritance, or for term of any life or lives, of the clear yearly value of forty shillings; (6) nor being worth of his own goods the clear value of ten pound; (7) and so allowed by two justices of the peace of the county where he hath most commonly inhabited by the

space of one whole year, and under their hands and seals; (8) or by the mayor or other head officer of the city, borough, or town corporate where such person hath most commonly dwelt by the space of one whole year, and two aldermen, or two other discreet burgesses of the same city, borough, or town corporate, if there be no aldermen, under their hands and seals; (9) nor being retained with any person in husbandry, or in any of the aforesaid arts and sciences, according to this statute; (10) nor lawfully retained in other art or science; (11) nor being lawfully retained in houshold, or in any office with any nobleman, gentleman, or others, according to the laws of this realm; (12) nor have a convenient farm, or other holding in tillage, whereupon he may employ his labour; (13) shall, during the time that he or they shall be so unmarried, or under the said age of thirty years, upon request made by any person using the art or mystery wherein the said person so required hath been exercised (as is aforesaid), be retained; (14) and shall not refuse to serve according to the tenour of this statute, upon the pain and penalty hereafter mentioned.

No person shall put away his servant; nor shall any servant depart from his master, before the end of his time.

V. And be it further enacted, That no person which shall retain any servant, shall put away his or her said servant; (2) and that no person retained according to this statute, shall depart from his master, mistress, or dame, before the end of his or her term; (3) upon the pain hereafter mentioned; (4) unless it be for some reasonable and sufficient cause or matter, to be allowed before two justices of peace, or one at the least, within the said county; or before the mayor or other chief officer of the city, borough, or town corporate wherein the said master, mistress, or dame inhabiteth, to whom any of the parties grieved shall complain; (5) which said justices or justice, mayor or chief officer, shall have and take upon them or him the hearing and ordering of the matter betwixt the said master or mistress, or dame and servant, according to the equity of the cause.

The cause of putting away servants, or their departing, to be determined by a justice of peace, mayor, bailiff, &c.

No servant shall depart, or be put away, but upon a quarter's warning.

VI. And that no such master, mistress, or dame, shall put away any such servant at the end of his term; or that any such servant shall depart from his said master, mistress, or dame, at the end of his term, without one quarter's warning given before the end of his said term, either by the said master, mistress, or dame, or servant, the one to the other, upon the pain hereafter ensuing.

What sort of persons are compellable to serve by the year in husbandry.

VII. And be it further enacted by the authority aforesaid, That every person between the age of twelve years, and the age of sixty years, not being lawfully retained, nor apprentice with any fisherman or mariner haunting the seas; (2) nor being in service with any kidder or carrier of any corn, grain, or meal for provision of the city of *London;* (3) nor with any husbandman in husbandry; (4) nor in any city, town corporate, or market-town, in any of the arts or sciences limited or appointed by this estatute to have or take apprentices; (5) nor being retained by the year, or half the year at the least, for the digging, seeking, finding, getting, melting, fining, working, trying, making of any silver, tin, lead, iron, copper, stone, sea-coal, stone-coal, moor-coal, or cherk-coal; (6) nor being occupied in or about the making of any glass; (7) nor being a gentleman born, nor being a student or scholar in any of the universities, or in any school; (8) nor having lands, tenements, rents, or hereditaments, for term of life, or of one estate of inheritance of the clear yearly value of forty shillings; (9) nor being worth in goods and chattels to the value of ten pounds; (10) nor having a father or mother then living, or other ancestor whose heir apparent he is, then having lands, tenements, or hereditaments of the yearly value of ten pound, or above, or goods or chattels of the value of forty pounds; (11) nor being a necessary or convenient officer or servant lawfully retained, as is aforesaid; (12) nor having a convenient farm or holding, whereupon he may or shall employ his labour; (13) nor being otherwise lawfully retained, according to the true meaning of this estatute; (14) shall, after the aforesaid last day of *September* now next ensuing, by virtue of this estatute, be compelled to be retained to serve in husbandry by the year, with any person that keepeth husbandry, and will require any such person so to serve within the same shire where he shall be so required.

The forfeiture for putting away his servant within his term, or at the end of his term, without warning.

VIII. And be it further enacted by the authority of this present parliament, That if any person after he hath retained any servant, shall put away the same servant before the end of his term, unless it be for some reasonable and sufficient cause, to be allowed, as is aforesaid; (2) or if any such master, mistress, or dame, shall put away any such servant at the end of his term, without one quarter's warning given before the said end, as is above remembered; (3) that then

every such master, mistress, or dame so offending, unless he or they be able to prove, by two such sufficient witnesses such reasonable and sufficient cause of putting away their servant or servants, during their term, or a quarter's warning given afore the end of the said term, as is aforesaid, before the justices of *Oyer* and *Terminer*, justices of assize, justices of peace in the quarter-sessions, or before the mayor or other head officer of any city, borough, or town corporate, and two aldermen, or two other discreet burgesses of the same city, borough, or town corporate, if there be no aldermen, or before the lord president and council established in the marches of *Wales*, or before the lord president and council for the time being established in the north parts, shall forfeit the sum of forty shillings.

The punishment of a servant which performeth not his duty in service or departure.

IX. And if any servant retained according to the form of this estatute depart from his master, mistress, or dame's service, before the end of his term, unless it be for some reasonable and sufficient cause, to be allowed, as is aforesaid; (2) or if any servant, at the end of his term, depart from his said master, mistress, or dame's service without one quarter's warning given before the end of his said term, in form aforesaid, and before two lawful witnesses; (3) or if any person or persons compellable and bounden to be retained, and to serve in husbandry, or in any other the arts, sciences, or mysteries above remembered, by the year or otherwise, do (upon request made) refuse to serve for the wages that shall be limited, rated and appointed, according to the form of this statute; (4) or promise or covenant to serve, and do not serve according to the tenour of the same; (5) that then every servant so departing away, and every person so refusing to serve for such wages, upon complaint thereof made by the master, mistress, or dame of the said servant, or by the party to or with whom the said refusal is made, or promise not kept, to two justices of peace of the county, or to the mayor or other head officer of the city, borough, or town corporate, and two aldermen, or two other discreet burgesses of the same city, borough, or town corporate, if there be no aldermen, where the said master, mistress, or dame, or the said party to or with whom the said refusal is made, and promise not kept, dwelleth, or to either of the said lords presidents and council of *Wales*, and the north, the said justices, lords presidents and councils, and also the said

mayors or other head officers, and other persons of cities, boroughs, or towns corporate, or any of them, as is aforesaid, shall have power by force of this statute, to hear and examine the matter; (6) and finding the said servant, or the said party so refusing faulty in the premises, upon such proofs and good matter as to their discretions shall be thought sufficient to commit him or them to ward, there to remain without bail or mainprise, until the said servant or party so offending shall be bound to the party to whom the offence shall be made, to serve and continue with him for the wages that then shall be limited and appointed, according to the tenour and form of this estatute, and to be discharged upon his delivery, without paying any fee to the gaoler where he or they shall be so imprisoned.

None may depart forth of the city, town, parish, &c. without a testimonial.

X. And be it likewise enacted by the authority aforesaid, That none of the said retained persons in husbandry, or in any the arts or sciences above remembered, after the time of his retainer expired, shall depart forth of one city, town, or parish to another; (2) nor out of the lath, rape, wapentake or hundred; (3) nor out of the county or shire where he last served, to serve in any other city, town corporate, lath, rape, wapentake, hundred, shire, or county; (4) unless he have a testimonial under the seal of the said city or town corporate, or of the constable or constables, or other head officer or officers, and of two other honest householders of the city, town, or parish where he last served, declaring his lawful departure, and the name of the shire and place where he dwelled last before his departure, according to the form hereafter expressed in this act; (5) which certificate or testimonial shall be written and delivered unto the said servant, and also registered by the parson, vicar or curate of the parish where such master, mistress, or dame doth or shall dwell, taking for the doing thereof twopence, and not above; and the form thereof shall be as followeth:—

The form of the testimonial.

Memorandum, That *A. B.* late servant to *C. D.* of *E.* husbandman, or taylor, &c. in the county, &c. is licensed to depart from his said master, and is at his liberty to serve elsewhere, according to the statute in that case made and provided. In witness whereof, &c. Dated the day, month, year, and place, &c. of the making thereof.

XI. And

XI. And be it further enacted, by the authority aforesaid, That no person or persons that shall depart out of a service, shall be retained or accepted into any other service, without shewing before his retainer such testimonial as is above remembered, to the chief officer of the town corporate, and in every other town and place, to the constable, curate, churchwarden, or other head officer of the same, where he shall be retained to serve; (2) upon the pain that every such servant so departing without such certificate or testimonial, shall be imprisoned until he procure a testimonial or certificate; (3) the which if he cannot do within the space of one-and-twenty days next, after the first day of his imprisonment, then the said person to be whipped and used as a vagabond, according to the laws in such cases provided; (4) and that every person retaining any such servant, without shewing such testimonial or certificate, as is aforesaid, shall forfeit for every such offence five pounds; (5) and if any such person shall be taken with any counterfeit or forged testimonial, then to be whipped as a vagabond.

No servant shall be retained without shewing his testimonial. Hetley 164

The master shall pay 5l. that retaineth a servant without a testimonial. Counterfeit testimonials.

XII. And be it further enacted by the authority aforesaid, That all artificers and labourers, being hired for wages by the day or week, shall, betwixt the midst of the months of *March* and *September*, be and continue at their work, at or before five of the clock in the morning, and continue at work, and not depart, until between seven and eight of the clock at night (except it be in the time of breakfast, dinner, or drinking, the which times at the most shall not exceed above two hours and a half in a day, that is to say, at every drinking one half hour, for his dinner one hour, and for his sleep when he is allowed to sleep, the which is from the midst of *May* to the midst of *August*, half an hour at the most, and at every breakfast one half-hour); (2) and all the said artificers and labourers, between the midst of *September* and the midst of *March*, shall be and continue at their work from the spring of the day in the morning, until the night of the same day, except it be in time afore appointed for breakfast and dinner; (3) upon pain to lose and forfeit one penny for every hour's absence, to be deducted and defaulked out of his wages that shall so offend.

How long labourers shall continue at their work.

XIII. And be it also enacted by the authority aforesaid, That every artificer and labourer that shall be lawfully retained in and for the building or repairing of any church, house, ship, mill, or every other piece of work, taken in great, in task, or in gross, or that shall hereafter take upon him to make or

No artificer or labourer shall depart before his work be finished.

finish any such thing or work, shall continue and not depart from the same, unless it be for not paying of his wages or hire agreed on, or otherwise lawfully taken or appointed to serve the Queen's majesty, her heirs or successors, or for other lawful cause, or without licence of the master or owner of the work, or of him that hath the charge thereof, before the finishing of the said work; (2) upon pain of imprisonment by one month, without bail or mainprize; (3) and the forfeiture of the sum of five pounds to the party from whom he shall so depart, for the which the said party may have his action of debt against him that shall so depart, in any of the Queen's majesty's courts of record, over and besides such ordinary costs and damages as may or ought to be recovered by the common laws, for or concerning any such offence: in which action, no protection, wager of law, or essoin shall be admitted.

XIV. And that no other artificer or labourer retained in any service, to work with the Queen's majesty, or any other person, depart from her said majesty, or from the said other person, until such time as the work be finished, if the person so retaining the artificer or labourer so long will have him, and pay him his wages or other duties, upon pain of imprisonment of every person so departing, by the space of one month.

The wages of servants, labourers, artificers, shall be assessed by the justices of peace, sheriff, &c. 2 Roll. 269. Bridgm. 119.

XV. And for the declaration and limitation what wages servants, labourers, and artificers, either by the year or day, or otherwise, shall have and receive, Be it enacted by the authority of this present parliament, That the justices of peace of every shire, riding, and liberty, within the limits of their several commissions, or the more part of them, being then resiant within the same, and the sheriff of that county, if he conveniently may, and every mayor, bailiff or other head officer within any city or town corporate, wherein is any justice of peace within the limits of the said city or town corporate, and of the said corporation, shall, before the tenth day of *June* next coming, and afterwards shall yearly, at every general sessions first to be holden and kept after *Easter*, or at some time convenient, within six weeks next following every of the said feasts of *Easter*, assemble themselves together; (2) and they (so assembled) calling unto them such discreet and grave persons of the said county, or of the said city or town corporate, as they shall think meet, and conferring together, respecting the plenty or scarcity of the time, and other circumstances necessarily to be considered, shall have authority by virtue thereof, within

within the limits and precincts of their several commissions, to limit, rate, and appoint the wages, as well of such and so many of the said artificers, handicraftsmen, husbandmen, or any other labourer, servant, or workman, whose wages in time past hath been by any law or statute rated and appointed; (3) as also the wages of all other labourers, artificers, workmen, or apprentices of husbandry, which have not been rated; (4) as they the same justices, mayors, or head officers within their several commissions or liberties shall think meet by their discretions to be rated, limited, or appointed by the year, or by the day, week, month, or otherwise, with meat and drink, or without meat and drink; (5) and what wages every workman or labourer shall take by the great, for mowing, reaping, or threshing of corn and grain, or for mowing, or making of hay, or for ditching, paving, railing, or hedging by the rod, perch, lugg, yard, pole, rope, or foot, and for any other kind of reasonable labour or service; (6) and shall yearly, before the twelfth day of *July* next, after the said assessments and rates so appointed and made, certify the same, ingrossed in parchment, with the considerations and causes thereof, under their hands and seals, into the Queen's most honourable court of chancery; (7) whereupon it shall be lawful to the lord chancellor of *England*, or lord keeper of the great seal for the time being, upon declaration thereof to the Queen's majesty, her heirs or successors, or to the lords and others of the privy council, for the time being, attendant upon their persons, to cause to be printed and set down before the first day of *September* next, after the said certificates, into every county, to the sheriff and justices of peace there, and to the said mayor, bailiff and head officers, ten or twelve proclamations or more, containing in every of them the several rates appointed by the said justices and other head officers, as is aforesaid, with commandment by the said proclamations, to all persons, in the name of the Queen's majesty, her heirs or successors, straitly to observe the same, and to all justices, sheriffs, and other officers, to see the same duly and severally observed, upon the danger of the punishment and forfeitures limited and appointed by this estatute; (8) upon receipt whereof the said sheriffs, justices of peace, and the mayor and head officer in every city, or town corporate, shall cause the same proclamations to be entered of record by the clerk of the peace, or by the clerk of the city or town corporate; (9) and the said sheriffs, justices, and

Explained by 1 Jac. I. c. 6. sect. 3. Jones, Sir Tho. 47.

Proclamations shall be made of the rates of the wages of servants, &c.

and other the said mayor and head officer, shall forthwith in open markets, upon the market days before *Michaelmas* then ensuing, cause the same proclamation to be proclaimed in every city or market town within the limits of their commission; and the same proclamation to be fixed in some convenient place of the said city and town, or in such of the most occupied market towns, as to the said sheriffs, justices of peace, and to the said mayor and head officer shall be thought meet.

Continuance or alteration of the rates of wages at the justices' discretion.

XVI. And if the said sheriffs, justices of peace, or the mayor or head officer, shall, at their said general sessions, or at any time after, within six weeks then following, upon their assembly and conference together, think it convenient to retain and keep for the year then to come, the rates and proportions of wages that they certified the year before, or to change or to reform them, or some part of them; then they shall, before the said twelfth day of *July*, yearly certify into the said court of chancery their resolutions and determinations therein, to the intent that proclamations may accordingly be renewed and sent down. (2) And if it shall happen that there be no need of any reformation or alteration of the rates of the said wages, but that the former shall be thought meet to be continued, then the proclamations for the year past shall remain in force until new proclamations upon new rates concerning the said wages shall be sent down according to the form of this estatute.

The fine of the justices, mayor, bailiffs, &c. which be absent at the the taxing of servants' wages.

XVII. And be it further enacted by authority of this present parliament, That if all the said justices of peace, resiant within the counties where they are or shall be justices of peace, mayors, and head officers, do not before the tenth day of *June* next coming, and afterward yearly appear and assemble at the said general sessions, or within six weeks next after the said general sessions, and limit and rate the wages of the said servants and labourers, or shall not consider whether the former rates made be meet to be continued, or to be altered and reformed in manner and form aforesaid, or be negligent or remiss in the certificate thereof, in form above written, that then every justice of peace of the county, and every mayor or head officers of the city or town corporate, in whom any such default or negligence shall be found, being within the said county, city, or town corporate at the time of the said next assembly, or at the time of the said sessions, or at the times of the said rates of wages to be set, within six

weeks

weeks next after every such sessions, and not visited with any such sickness as he could not travel thither without peril and danger of his life: or not having any other lawful and good excuse, to be allowed by the justices then assembled for the rating and taxing of wages as is aforesaid, or by the more part of them, upon a corporal oath and affidavit, to be taken and made openly before the said justices upon the holy evangelists, by some credible person assessed and taxed in the book of subsidy of that county, to the clear value of five pounds at the least, or by such other person as the most part of such justices shall allow and accept to take such oath, shall, for such default or negligence, forfeit unto the Queen's majesty, her heirs and successors, ten pounds of lawful money of *England*.

The punishment of him that giveth more wages than is taxed by the justices, &c.

XVIII. And be it further enacted by the authority aforesaid, That if any person, after the said proclamation shall be so sent down and published, shall by any secret ways or means, directly or indirectly retain or keep any servant, workman, or labourer, or shall give any more or greater wages, or other commodity, contrary to the true intent and purport of this estatute, or contrary to the rates or wages that shall be assessed or appointed in the said proclamations; that then every person that shall so offend, and be thereof lawfully convicted before any the justices or other head officers above remembered, or either of the said presidents and councils, shall suffer imprisonment by the space of ten days, without bail or mainprise, and shall lose and forfeit five pounds of lawful money of *England*.

The punishment of the servant, labourer, &c. that taketh more wages than is taxed.

XIX. And that every person that shall be so retained and take wages, contrary to this estatute, or any branch thereof, or of the said proclamation, and shall be thereof convicted before the justices aforesaid, or any two of them, or before the mayor or other head officers aforesaid, shall suffer imprisonment by the space of one-and-twenty days, without bail or mainprise.

Every retaining contrary to this statute, shall be void.

XX. And that every retainer, promise, gift, or payment of wages, or other thing whatsoever, contrary to the true meaning of this estatute, and every writing and bond to be made for that purpose, shall be utterly void and of none effect.

The punishment of the servant that maketh as-

XXI. And be it enacted by the authority aforesaid, That if any servant, workman, or labourer, shall wilfully or maliciously make any assault or affray upon his master, mistress, or

sault upon his master, mistress, or overseer.

or dame, or upon any other that shall, at the time of such assault or affray, have the charge or oversight of any such servant, workman, or labourer, or of the work wherein the said servant, workman, or labourer is appointed or hired to work, and being thereof convicted before any two of the justices, mayor, or other head officer aforesaid, where the said offence is committed, or before either of the said lords presidents and council before remembered, by confession of the said servant, workman, or labourer, or by the testimony, witness, and oath of two honest men; that then every such offender shall suffer imprisonment by the space of one whole year, or less, by the discretion of two justices of peace, if it be without a town corporate; (2) and if it be within a town corporate, then by the discretion of the mayor or head officer of the same town corporate, with two others of the discreetest persons of the same corporation, at the least; (3) and if the offence shall require further punishment, then to receive such other open punishment, so as it extend not to life nor limb, as the justices of peace in open sessions, or as the more part of them, or the said mayor or head officer, and six or four at the least of the discreetest persons of the same corporation, before whom the offence shall be examined, shall think convenient for the quality of the said offence so done or committed.

Artificers compellable to work in hay-time and harvest.

XXII. Provided always, and be it enacted by the authority aforesaid, That in the time of hay or corn harvest, the justices of peace, and every of them, and also the constable or other head officer of every township, upon request, and for the avoiding of the loss of any corn, grain, or hay, shall and may cause all such artificers and persons as be meet to labour, by the discretions of the said justices or constables, or other head officers, or by any of them, to serve by the day for the mowing, reaping, shearing, getting or inning of corn, grain, and hay, according to the skill and quality of the person; (2) and that none of the said persons shall refuse to do, upon pain to suffer imprisonment in the stocks, by the space of two days and one night; (3) and the constable of the town, or other head officer of the same, where the said refusal shall be made, upon complaint to him made, shall have authority by virtue hereof, to set the said offender in the stocks for the time aforesaid, and shall punish him accordingly, upon pain to lose and forfeit for not doing thereof, the sum of forty shillings.

XXIII. Pro-

XXIII. Provided also, That all persons of the counties where they have accustomed to go into other shires for harvest-work, and having at that time no harvest-work sufficient in the same town or county where he or they dwelt in the winter then last past, bringing with him or them a testimonial under the hand and seal of one justice of the peace of the shire, or other head officer of the town or place that he or they come from, testifying the same, for the which he shall pay not above one penny (other than such persons as shall be retained in service, according to the form of this estatute) may repair and resort in harvest of hay or corn, from the counties wherein their dwelling places are, into any other place or county for the only mowing, reaping, and getting of hay, corn, or grain, and for the only working of harvest-works, as they might have done before the making of this estatute; any thing herein contained to the contrary notwithstanding.

A proviso for some that go into other shires for work in hay-time and harvest.

XXIV. And be it further enacted by the authority aforesaid, That two justices of peace, the mayor, or other head officer of any city, borough, or town corporate, and two aldermen, or two other discreet burgesses of the same city, borough, or town corporate, if there be no aldermen, shall and may, by virtue hereof, appoint any such woman as is of the age of twelve years, and under the age of forty years, and unmarried, and forth of service, as they shall think meet, to serve, to be retained or serve by the year, or by the week or day, for such wages, and in such reasonable sort and manner as they shall think meet; (2) and if any such woman shall refuse so to serve, then it shall be lawful for the said justices of peace, mayor, or head officers, to commit such woman to ward, until she shall be bounden to serve as is aforesaid.

Women compellable to serve, that be above twelve, and under forty years old, unmarried, and forth of service.

XXV. And for the better advancement of husbandry and tillage, and to the intent that such as are fit to be made apprentices to husbandry may be bounden thereunto, (2) Be it enacted by the authority of this present parliament, That every person being an householder, and having and using half a plough-land at the least in tillage, may have and receive as an apprentice any person above the age of ten years, and under the age of eighteen years, to serve in husbandry, until his age of one-and-twenty years at the least, or until the age of twenty-four years, as the parties can agree; and the said retainer and taking of an apprentice to be made and done by indenture.

Husbandmen may take apprentices.

XXVI. And

Every householder dwelling in any town corporate may take an apprentice for seven years.

XXVI. And be it further enacted, That every person being an householder, and twenty-four years old at the least, dwelling or inhabiting, or which shall dwell and inhabit in any city or town corporate, and using and exercising any art, mystery, or manual occupation there, shall and may after the feast of Saint *John Baptist* next coming, during the time that he shall so dwell or inhabit in any such city or town corporate, and use and exercise any such mystery, art, or manual occupation, have and retain the son of any freeman, not occupying husbandry, nor being a labourer, and inhabiting in the same, or in any other city or town that now is, or hereafter shall be and continue incorporate, to serve and be bound as an apprentice, after the custom and order of the city of *London*, for seven years at the least, so as the term and years of such apprentice do not expire or determine afore such apprentice shall be of the age of twenty-four years at the least.

Merchants, &c. may take no apprentices, but such whose parents may dispend 40 *s.* of freehold.

XXVII. Provided always, and be it enacted, That it shall not be lawful to any person dwelling in any city or town corporate, using or exercising any of the mysteries or crafts of a merchant trafficking by traffic or trade into any the parts beyond the sea, mercer, draper, goldsmith, ironmonger, imbroiderer, or clothier, that doth or shall put cloth to making and sale, to take any apprentice or servant to be instructed or taught in any of the arts, occupations, crafts, or mysteries which they or any of them do use or exercise, except such servant or apprentice be his son; (2) or else that the father and mother of such apprentice or servant shall have, at the time of taking such apprentice or servant, lands, tenements, or other hereditaments, of the clear yearly value of forty shillings of one estate of inheritance, or freehold at the least, to be certified under the hands and seals of three justices of the peace of the shire or shires where the said lands, tenements, or other hereditaments do or shall lie, to the mayor, bailiff, or other head officers of such city or town corporate, and to be inrolled among the records there.

Whom they may have for their apprentices who dwell in market-towns not corporate. 8 Cok. 129.

XXVIII. And be it further enacted, That from and after the said feast of St. *John* the *Baptist* next, it shall be lawful to every person being an householder, and four-and-twenty years old at the least, and not occupying husbandry, nor being a labourer, dwelling or inhabiting, or that shall hereafter dwell or inhabit in any town not being incorporate, that now is, or hereafter shall be a market town, so long as the same

same shall be weekly used and kept as a market town, and using or exercising any art, mystery, or manual occupation, during the time of his abode there, and so using and exercising such art, mystery, or manual occupation as aforesaid, to have in like manner to apprentice or apprentices, the child or children of any other artificer or artificers, not occupying husbandry, nor being a labourer, which now do, or hereafter shall inhabit or dwell in the same, or in any other such market town within the same shire, to serve as apprentice or apprentices, as is aforesaid, to any such art, mystery, or manual occupation, as hath been usually exercised in any such market town, where such apprentice shall be bound in manner and form abovesaid.

What apprentices merchants, &c. dwelling in a market-town not corporate, may take Cro.El.723.

XXIX. Provided always, and be it enacted, That it shall not be lawful to any person, dwelling or inhabiting in any such market-town, using or exercising the feat, mystery, or art of a merchant, trafficking or trading into the parts beyond the seas, mercer, draper, goldsmith, ironmonger, imbroiderer, or clothier, that doth or shall put cloth to making and sale, to take any apprentice, or in any wise to teach or instruct any person in the arts, sciences, or mysteries last before-recited, after the feast of St. *John Baptist* aforesaid, except such servant or apprentice shall be his son; or else that the father or mother of such apprentice shall have lands, tenements, or other hereditaments, at the time of taking such apprentice, of the clear yearly value of three pounds, of one estate of inheritance, or freehold at the least, to be certified under the hands and seals of three justices of the peace, of the shire or shires where the said lands, tenements, or other hereditaments do or shall lie, to the head officers or head officer of such market-town where such apprentice or servant shall be taken, there to be inrolled by such head officers always to remain of record.

These artificers may take apprentices whose parents may dispend no land.

XXX. And be it further enacted, That from and after the said feast, it shall be lawful to any person using or exercising the art or occupation of a smith, wheel-wright, plough-wright, mill-wright, carpenter, rough-mason, plaisterer, sawyer, lime-burner, brick-maker, bricklayer, tyler, slater, helier, tyle-maker, linen-weaver, turner, cooper, miller, earthen potters, woollen-weaver, weaving huswives or houshold cloth only, and none other cloth; fuller, otherwise called, tucker or walker, burner of oare and wood-ashes, thatcher, or shingler, wheresoever

1 Lev. 249. 2 Salk. 611. Carthew 162. 3. Mod. 152.

soever he or they shall dwell or inhabit, to have or receive the son of any person as apprentice in manner and form aforesaid, to be taught and instructed in these occupations only, and in none other, albeit the father or mother of any such apprentice have not any lands, tenements, or hereditaments.

None may use any manual occupation except he hath been apprentice to the same. 31 Eliz. c. 5. 3 Bulst. 179. 1 Roll. 10. 2 Roll. 391. Stiles 223. 383. Distillers exempted by 12 Annæ, Stat. 2. c 3. s. 1. Lutw. 164. 2 Lev. 206. 8 Co. 129. 11 Co. 54. Cro. El. 737.

XXXI. And be it further enacted by the authority aforesaid, That after the first day of *May* next coming, it shall not be lawful to any person or persons, other than such as now do lawfully use or exercise any art, mystery, or manual occupation, (2) to set up, occupy, use, or exercise any craft, mystery, or occupation now used or occupied within the realm of *England* or *Wales*; except he shall have been brought up therein seven years at the least as an apprentice, in manner and form abovesaid; (4) nor to set any person on work in such mystery, art, or occupation, being not a workman at this day; (5) except he shall have been apprentice, as is aforesaid; (6) or else having served as an apprentice, as is aforesaid, shall or will become a journey-man, or be hired by the year; (7) upon pain that every person willingly offending or doing the contrary, shall forfeit and lose for every default, forty shillings for every month.

Cro. Jac. 85. 178. 538 Cro. Car. 316. 347. 449. 516. Hob. 211. 183. Noy. 5.

What sort of perons woollen-weavers may take to be apprentices.

Repealed by 5 & 6 W. & M. c. 9.

XXXII. Provided always, and be it further enacted by the authority aforesaid, That no person or persons using or exercising the art or mystery of a woollen cloth weaver, other than such as be inhabiting within the counties of *Cumberland*, *Westmorland*, *Lancaster*, and *Wales*, weaving friezes, cottons, or huswives cloth only, making and weaving woollen cloth commonly sold, or to be sold by any clothman or clothier, shall take and have any apprentice, or shall teach or in any wise instruct any person or persons in the science, art, or occupation of weaving aforesaid, in any village, town, or place (cities, towns corporate, and market towns only except) unless such person be his son, or else that the father or mother of such apprentice or servant, shall at the time of the taking of such person or persons to be an apprentice or servant, or to be instructed, have lands or tenements, or other hereditaments, to the clear yearly value of three pounds at the least, of an estate of inheritance, or freehold, to be certified under the hands and seals of three justices of the peace of the shire or shires where the said lands, tenements, or other hereditaments do or shall lie; (2) the effect of the indenture to be regis-

registered within three months, in the parish where such master shall dwell, and to pay for such registering four-pence; (3) upon pain of forfeiture of twenty shillings for every month that any person shall otherwise take any apprentice, or set any such person on work contrary to the meaning of this article.

He that hath three apprentices must keep one journeyman.

XXXIII. And be it further enacted by the authority aforesaid, That all and every person and persons that shall have three apprentices in any the said crafts, mysteries, or occupations of a cloth-maker, fuller, sheerman, weaver, taylor, or shoemaker, shall retain and keep one journeyman, and for every other apprentice above the number of the said three apprentices one other journeyman, upon pain for every default therein ten pounds.

A proviso for the liberties of worsted-makers in Norwich and Norfolk. 14 & 15 H. VIII. c. 3.

XXXIV. Provided always, That this act, nor any thing therein contained, shall not extend to prejudice or hinder any liberties heretofore granted by any act of parliament, to or for the company and occupation of worsted-makers and worsted-weavers within the city of *Norwich*, and elsewhere within the county of *Norfolk*, which liberties be in force until the beginning of this present parliament; any thing therein contained to the contrary in any wise notwithstanding.

The punishment of him that refuseth to be an apprentice.

XXXV. And be it further enacted, That if any person shall be required by any housholder, having and using half a plough-land at the least in tillage, to be an apprentice, and to serve in husbandry, or in any other kind of art, mystery, or science before expressed, and shall refuse so to do, that then upon complaint of such housekeeper made to one justice of the peace of the county where the said refusal is or shall be made, or of such housholder inhabiting in any city, town corporate, or market town, to the mayor, bailiffs, or head officer of the said city, town corporate, or market town, if any such refusal shall there be, they shall have full power and authority by virtue hereof, to send for the same person so refusing; (2) and if the said justice, or the said mayor or head officer shall think the said person meet and convenient to serve as an apprentice in that art, labour, science, or mystery wherein he shall be so then required to serve; that then the said justice, or the said mayor or head officer, shall have power and authority by virtue hereof, if the said person refuse to be bound as an apprentice, to commit him unto ward, there to remain until he be contented, and will be bounden to serve as an ap-

prentice should serve, according to the true intent and meaning of this present act. (3) And if any such master shall misuse or evil intreat his apprentice, or that the said apprentice shall have any just cause to complain, or the apprentice do not his duty to his master, then the said master or apprentice being grieved, and having cause to complain, shall repair unto one justice of peace within the said county, or to the mayor or other head officer of the said city, town corporate, market town, or other place where the said master dwelleth, who shall by his wisdom and discretion take such order and direction between the said master and his apprentice, as the equity of the cause shall require; (4) and if for want of good conformity in the said master, the said justice of peace, or the said mayor or other head officer cannot compound and agree the matter between him and his apprentice, then the said justice, or the said mayor or other head officer shall take bond of the said master, to appear at the next sessions then to be holden in the said county, or within the said city, town corporate, or market town, to be before the justices of the said county, or the mayor or head officer of the said town corporate or market town, if the said master dwell within any such; (5) and upon his appearance and hearing of the matter before the said justices, or the said mayor or other head officer, if it be thought meet unto them, to discharge the said apprentice of his apprenticehood, that then the said justices, or four of them at the least, whereof one to be of the *quorum*; or the said mayor or other head officer, with the assent of three other of his brethren, or men of best reputation within the said city, town corporate, or market town, shall have power by authority hereof, in writing under their hands and seals, to pronounce and declare, that they have discharged the said apprentice of his apprenticehood, and the cause thereof; (6) and the said writing so being made and enrolled by the clerk of the peace, or town clerk, amongst the records that he keepeth, shall be a sufficient discharge for the said apprentice against his master, his executors, and administrators; the indenture of the said apprenticehood, or any law or custom to the contrary notwithstanding. (7) And if the default shall be found to be in the apprentice, then the said justices, or the said mayor or other head officer, with the assistance aforesaid, shall cause such due correction and punishment to be ministered unto him, as by their wisdom and discretions shall be thought meet.

The remedy for the apprentice which is misused by his master, and for the master when the apprentice doth not his duty.

Where an apprentice may be discharged of his apprenticehood.

XXXVI. Pro-

XXXVI. Provided always, and be it enacted by authority of this present parliament, That no person shall by force or colour of this estatute, be bounden to enter into any apprenticeship, other than such as be under the age of twenty-one years.

None shall be bound to be apprentices, but those which be under xxi. years of age.

XXXVII. And to the end that this estatute may from time to time be carefully and diligently put in good execution, according to the tenor and true meaning thereof, be it enacted by authority of this present parliament, That the justices of peace of every county, dividing themselves into several limits, and likewise every mayor and head officer of any city or town corporate, shall yearly between the feast of St. *Michael* the archangel, and the nativity of our Lord, and between the feast of the annunciation of our Lady, and the feast of the nativity of St. *John Baptist*, by all such ways and means as to their wisdoms shall be thought most meet, make a special and diligent enquiry of the branches and articles of this estatute, and of the good execution of the same, and where they shall find any defaults, to see the same severely corrected and punished, without favour, affection, malice, or displeasure.

Assembly of the justices twice in the year for the due execution of this statute.

XXXVIII. And in consideration of the pains and travel that the said justices of peace, and the said mayor and head officer shall take and sustain in and about the execution of this estatute, it is further ordained and enacted by authority of this present parliament, That every justice of peace, mayor, or head officer, for every day that he shall sit in and about the execution of this estatute, shall have allowed unto him five shillings, to be allowed and paid unto him, or unto the said mayor or head officer, of the fines and forfeitures of the pains and penalties that shall be forfeited and due unto the Queen's majesty, her heirs and successors, by force of this estatute in such manner and form as the said justices have been heretofore commonly paid for their coming and charges at the quarter sessions; so that the sitting of the said justices or mayor, or head officer, be not at any one time above three days, and for the matters contained in this estatute.

The justices allowance for their pains.

XXXIX. And be it enacted by authority aforesaid, That the one half of all forfeitures and penalties expressed and mentioned in this estatute, other than such as are expressly otherwise appointed, shall be to our sovereign lady the Queen's majesty, her heirs and successors, and the other moiety to him or them that shall sue for the same in any of the Queen's ma-

Who shall have the forfeitures mentioned in this statute. Moor 886. 1 Cro. 499.

jesty's courts of record, or before any of the justices of *Oyer* and *Terminer*, or before any other justices, or president and council before-remembered, by action of debt, information, bill of complaint, or otherwise; in which actions or suits, no protections, wager of law or essoin shall be allowed; (2) and that the said justices, or two of them, whereof one to be of the *quorum*, and the said presidents and council, as is aforesaid, and the said mayors or other head officers of cities or towns corporate, shall have full power and authority to hear and determine all and every offence and offences that shall be committed or done against this estatute, or against any branch thereof, as well upon indictment to be taken before them in the sessions of the peace, as upon information, action of debt, or bill of complaint to be sued or exhibited by any person; (3) and shall and may, by virtue hereof, make process against the defendant, and award execution, as in any other case they lawfully may by any the laws and statutes of this realm; (4) and shall yearly, in *Michaelmas* term, certify by estreat, the fines and forfeitures of every the offences contained in this estatute, that shall be found before them, into the court of exchequer, in like sort and form as they be bound to certify the estreats for other offences and forfeitures to be lost before them; any thing in this statute contained to the contrary notwithstanding.

Justices of peace, mayor, &c may hear and determine all offences committed against this statute. 31 El. c. 5. 1 Salk. 370.

XL. Provided always, That this act, or any thing therein contained or mentioned, shall not be prejudicial or hurtful to the cities of *London* and *Norwich*, or to the lawful liberties, usages, customs, or privileges of the same cities, for or concerning the having or taking of any apprentice or apprentices; but that the citizens and freemen of the same cities shall and may take, have, and retain apprentices there, in such manner and form as they might lawfully have done before the making of this statute; this act or any thing therein contained to the contrary in any wise notwithstanding.

A proviso for the cities of London and Norwich

XLI. And be it also further enacted, That all indentures, covenants, promises, and bargains of or for the having, taking or keeping of any apprentice, otherwise hereafter to be made or taken, than is by this statute limited, ordained, and appointed, shall be clearly void in the law, to all intents and purposes; (2) and that every person that shall from henceforth take or newly retain any apprentice contrary to the tenor and true meaning of this act, shall forfeit and lose for every apprentice so by him taken, the sum of ten pounds.

The forfeiture of him that taketh a prentice otherwise than is limited by this statute.

XLII. And

XLII. And because there hath been, and is some question and scruple moved, whether any person, being within the age of one-and-twenty years, and bounden to serve as an apprentice, in any other place than in the said city of *London*, should be bounden, accepted, and taken as an apprentice:

He that is bound apprentice within the age of 21 years, is compellable to serve.

XLIII. For the resolution of the said scruple and doubt, be it enacted by authority of this present parliament, That all and every such person or persons that at any time or times from henceforth, shall be bounden by indenture, to serve as an apprentice in any art, science, occupation, or labour, according to the tenor of this estatute, and in manner and form aforesaid, albeit the same apprentice, or any of them, shall be within the age of one-and-twenty-years, at the time of the making of their several indentures, shall be bounden to serve for the years in their several indentures contained, as amply and largely to every intent, as if the same apprentice were of full age at the time of the making of such indentures; any law, usage, or custom to the contrary notwithstanding.

XLIV. Provided always, and be it enacted by the authority aforesaid, That the inhabitants now dwelling or inhabiting, or that hereafter shall dwell or inhabit within the town of *Godalming*, within the county of *Surrey*, within the limits of the watch of the said town, may use and exercise such arts, mysteries and occupations, and take and use apprentices and servants, in such manner and form as the inhabitants within market towns, by this statute may lawfully do.

A proviso for the inhabitants of Godalming in Surrey.

XLV. Provided always, and be it enacted by the authority aforesaid, That all manner amerciaments, fines, issues, and forfeitures which shall arise, grow, or come by reason of any offences or defaults mentioned in this act, or any branch thereof, within any city or town corporate, shall be levied, gathered, and received by such person or persons of the same city or town corporate, as shall be appointed by the mayor or other head officers, mentioned in this said act, to the use and maintenance of the same city or town corporate, in such case and condition as any manner other amerciaments, fines, issues, or forfeitures, have been used to be levied and employed within the same city or town corporate, by reason of any grant or charter from the Queen's majesty that now is, or of any her grace's noble progenitors, made and granted to the same city, borough, or town corporate; any thing or clause before men-

Who shall have the forfeiture in cities and towns corporate.

tioned and expressed in this act, to the contrary notwithstanding.

Retainings and covenants made before this statute.

XLVI. Provided always, That this act, or any thing therein contained, shall not extend to any lawful retainings or covenants had or made before the making of this act, but that all and every the parties to such retainings or covenants, shall and may have the same and like advantages of such retainings and covenants, and of the statutes heretofore in that behalf provided, as if this act had never been had or made; any clause of repeal or other matter whatsoever in this act to the contrary in any wise notwithstanding.

A remedy for those servants which depart from their masters, and do flee into other shires.

XLVII. And be it further enacted by the authority aforesaid, That if any servant or apprentice of husbandry, or of any art, science, or occupation aforesaid, unlawfully depart or flee into any other shire, that it shall be lawful to the said justices of peace, and to the said mayors, bailiffs, and other head officers of cities and towns corporate, for the time being justices of peace there, to make and grant writs of *Capias*, so many and such as shall be needful, to be directed to the sheriffs of the counties, or to other head officers of the places whither such servants or apprentices shall so depart or flee, to take their bodies, returnable before them at what time shall please them; so that if they come by such process, that they be put in prison, till they shall find sufficient surety, well and honestly to serve their masters, mistresses, or dames from whom they so departed or fled, according to the order of the law.

High constables may keep statute-sessions.

XLVIII. Provided always, That it shall be lawful to the high constables of hundreds in every shire, to hold, keep and continue petty sessions, otherwise called statute sessions, within the limits of their authorities, in all shires wherein such sessions have been used to be kept, in such manner and form as heretofore hath been used and accustomed, so as nothing be by them done therein contrary or repugnant to this present act.

[18 Eliz. Cap. 3.]

Justices of Peace shall order the Punishment of the Mother, and reputed Father of a Bastard, &c.

A ROGUE shall be conveyed from constable to constable, until he come to the gaol. A stock to set the poor on work, shall be provided in every city and town corporate. Houses of correction shall be assigned in every county. Lands holden in socage may, during twenty years, be given towards the maintenance of houses of correction, and stocks for the poor. EXP. 2 Roll. 82. Stiles 207, 283.

II. Concerning bastards begotten and born out of lawful matrimony (an offence against God's law or man's law,) the said bastards being now left to be kept at the charges of the parish where they be born, to the great burden of the same parish, and in defrauding of the relief of the impotent and aged true poor of the same parish, and to the evil example and encouragement of lewd life; (2) it is ordained and enacted by the authority aforesaid, That two justices of the peace, (whereof one to be of the *quorum*, in or next unto the limits where the parish church is, within which parish such bastard shall be born, upon examination of the cause and circumstance) shall and may by their discretion take order, as well for the punishment of the mother and reputed father of such bastard child, as also for the better relief of every such parish in part or in all; (3) and shall and may likewise by like discretion take order for the keeping of every such bastard child, by charging such mother or reputed father, with the payment of money weekly, or other sustentation for the relief of such child, in such wise as they shall think meet and convenient; (4) and if after the same order by them subscribed under their hands, and the said persons, *viz.* mother or reputed father, upon notice thereof, shall not for their part observe and perform the said order, that then every such party so making default in not performing of the said order, to be committed to ward to the common gaol: (5) there to remain without bail or mainprize, except he, she or they shall put in sufficient surety to perform the said order, or else personally to appear at the next general sessions of the peace,

Cro. Car. 341. 350. 470.

Mod. Cases in Law 4.

2 Bulst. 341. 348. 350. 355.

A provision for the keeping of bastards.

Farther provisions relating hereto, 7 Jac. I. c. 4.

to be holden in that county where such order shall be taken; (6) and also to abide such order as the said justices of the peace, or the more part of them, then and there shall take in that behalf (if they then and there shall take any); (7) and that if at the said sessions the said justices shall take no other order, then to abide and perform the order before made, as is abovesaid. 3 *Car.* I. *c.* 4. *continued until the end of the first sessions of the next parliament, and further continued by* 16 *Car.* I. *c.* 4.

[43 Eliz. Cap. 2.]

An Act for the Relief of the Poor.

Who shall be overseers for the poor; their office, duty, and account, &c. 39 Eliz. c. 3.

BE it enacted by the authority of this present parliament, That the churchwardens of every parish, and four, three, or two substantial householders there, as shall be thought meet, having respect to the proportion and greatness of the same parish and parishes, to be nominated yearly in *Easter* week, or within one month after *Easter*, under the hand and seal of two or more justices of the peace in the same county, whereof one to be of the *quorum*, dwelling in or near the same parish or division where the same parish doth lie, shall be called overseers of the poor of the same parish: and they, or the greater part of them, shall take order from time to time, by and with the consent of two or more such justices of peace as is aforesaid, for setting to work the children of all such whose parents shall not by the said church-wardens and overseers, or the greater part of them, be thought able to keep and maintain their children; and also for setting to work all such persons, married or unmarried, having no means to maintain them, and use no ordinary and daily trade of life to get their living by: and also to raise weekly or otherwise (by taxation of every inhabitant, parson, vicar and other, and of every occupier of lands, houses, tithes impropriate, propriations of tithes, coal-mines, or saleable underwoods in the said parish, in such competent sum and sums of money as they shall think fit,) a convenient stock of flax, hemp, wool, thread, iron and other necessary ware and stuff, to set the poor on work:

Who shall be taxed towards the relief of the poor.

A convenient stock shall be provided to set the poor on work.

work: and also competent sums of money for and towards the necessary relief of the lame, impotent, old, blind, and such other among them, being poor and not able to work, and also for the putting out of such children to be apprentices, to be gathered out of the same parish, according to the ability of the same parish, and to do and execute all other things, as well for the disposing of the said stock as otherwise concerning the premises as to them shall seem convenient:

The names of such as receive collection to be registered in a book. 3 & 4 W. & M. c. 11. s. 11.

II. Which said churchwardens and overseers so to be nominated, or such of them as shall not be let by sickness or other just excuse, to be allowed by two such justices of peace or more as is aforesaid, shall meet together at the least once every month in the church of the said parish, upon the *Sunday* in the afternoon after divine service, there to consider of some good course to be taken, and of some meet order to be set down in the premises; (2) and shall within four days after the end of their year, and after other overseers nominated as aforesaid, make and yield up to such two justices of peace as is aforesaid, a true and perfect account of all sums of money by them received, or rated and sessed and not received, and also of such stock as shall be in their hands, or in the hands of any of the poor to work, and of all other things concerning their said office; (3) and such sum or sums of money as shall be in their hands shall pay and deliver over to the said churchwardens and overseers newly nominated and appointed as aforesaid; (4) upon pain that every one of them absenting themselves without lawful cause as aforesaid, from such monthly meeting for the purpose aforesaid, or being negligent in their office, or in the execution of the orders aforesaid, being made by and with the assent of the said justices of peace, or any two of them before mentioned, to forfeit for every such default of absence or negligence twenty shillings.

The overseers shall meet once every month.

The overseers' account.

The overseers' forfeiture for absence or negligence.

III. And be it also enacted, That if the said justices of peace do perceive, that the inhabitants of any parish are not able to levy among themselves sufficient sums of money for the purposes aforesaid, that then the said two justices shall and may tax, rate, and assess as aforesaid, any other of other parishes, or out of any parish within the hundred where the said parish is, to pay such sum and sums of money to the churchwardens and overseers of the said poor parish for the said purposes, as the said justices shall think fit, according to

A provision where the inhabitants of any parish are not able to relieve the poor.

to the intent of this law; (2) and if the said hundred shall not be thought to the said justices able and fit to relieve the said several parishes not able to provide for themselves as aforesaid; then the justices of peace at their general quarter sessions, or the greater number of them, shall rate and assess as aforesaid, any other of other parishes, or out of any parish within the said county, for the purposes aforesaid, as in their discretion shall seem fit.

A remedy for the levying of the money assessed.

IV. And that it shall be lawful, as well for the present as subsequent churchwardens and overseers, or any of them, by warrant from any two such justices of peace, as is aforesaid, to levy as well the said sums of money, and all arrearages, of every one that shall refuse to contribute according as they shall be assessed, by distress and sale of the offender's goods, as the sums of money or stock which shall be behind upon any account to be made as aforesaid, rendering to the parties the overplus; (2) and in defect of such distress, it shall be lawful for any such two justices of the peace to commit him or them to the common gaol of the county, there to remain without bail or mainprize until payment of the said sum, arrearages, and stock; (3) and the said justices of peace, or any one of them, to send to the house of correction or common gaol, such as shall not employ themselves to work, being appointed thereunto, as aforesaid; (4) and also any such two justices of peace to commit to the said prison every one of the said churchwardens and overseers which shall refuse to account, there to remain without bail or mainprize until he have made a true account, and satisfied and paid so much as upon the said account shall be remaining in his hands.

Imprisonment in default of distress.

Imprisonment of those that will not work.

Refusers to account, imprisoned.

Binding of children apprentices.

V. And be it further enacted, That it shall be lawful for the said churchwardens and overseers, or the greater part of them, by the assent of any two justices of the peace aforesaid, to bind any such children, as aforesaid, to be apprentices, where they shall see convenient, till such man-child shall come to the age of four-and-twenty years, and such woman-child to the age of one-and-twenty years, or the time of her marriage; the same to be as effectual to all purposes, as if such child were of full age, and by indenture of covenant bound him or herself. (2) And to the intent that necessary places of habitation may more conveniently be provided for such poor impotent people; (3) be it enacted by

by the authority aforesaid, That it shall and may be lawful for the said churchwardens and overseers, or the greater part of them, by the leave of the lord or lords of the manor, whereof any waste or common within their parish is or shall be parcel, and upon agreement before with him or them made in writing, under the hands and seals of the said lord or lords, or otherwise, according to any order to be set down by the justices of peace of the said county at their general quarter-sessions, or the greater part of them, by like leave and agreement of the said lord or lords in writing under his or their hands and seals, to erect, build, and set up, in fit and convenient places of habitation in such waste or common, at the general charges of the parish, or otherwise of the hundred or county, as aforesaid, to be taxed, rated, and gathered in manner before expressed, convenient houses of dwelling for the said impotent poor; (4) and also to place inmates, or more families than one in one cottage or house; one act made in the one-and-thirtieth year of Her Majesty's reign, intituled, *An act against the erecting and maintaining of cottages*, or any thing therein contained to the contrary notwithstanding; (5) which cottages and places for inmates shall not at any time after be used or employed to or for any other habitation, but only for impotent and poor of the same parish, that shall be there placed from time to time by the churchwardens and overseers of the poor of the same parish, or the most part of them, upon the pains and forfeitures contained in the said former act made in the said one-and-thirtieth year of Her Majesty's reign.

Building of houses on the waste for the poor to inhabit. 9 Geo. I. c. 7.

31 El. c. 7.

VI. Provided always, That if any person or persons shall find themselves grieved with any sess or tax, or other act done by the said churchwardens and other persons, or by the said justices of peace: that then it shall be lawful for the justices of peace, at their general quarter-sessions, or the greater number of them, to take such order therein, as to them shall be thought convenient; and the same to conclude and bind all the said parties.

A remedy for them who finding themselves grieved with any tax.

VII. And be it further enacted, That the father and grandfather, and the mother and grandmother, and the children of every poor, old, blind, lame, and impotent person, or other poor person not able to work, being of a sufficient ability, shall, at their own charges, relieve and maintain every such poor person in that manner, and according to that rate,

Poor persons relieved by their parents or children. 5 Geo. I. c. 8.

rate, as by the justices of peace of that county where such sufficient persons dwell, or the greater number of them, at their general quarter-sessions shall be assessed; (2) upon pain that every one of them shall forfeit twenty shillings for every month which they shall fail therein.

Officers of corporate towns have the authority of justices of peace.

VIII. And be it further hereby enacted, That the mayors, bailiffs, or other head officers of every town and place corporate and city within this realm, being justice or justices of peace, shall have the same authority by virtue of this act, within the limits and precincts of their jurisdictions, as well out of sessions, as at their sessions, if they hold any, as is herein limited, prescribed and appointed to justices of the peace of the county, or any two or more of them, or to the justices of peace in their quarter-sessions, to do and execute for all the uses and purposes in this act prescribed, and no other justice or justices of peace to enter or meddle there; (2) and that every alderman of the city of *London* within his ward shall and may do and execute in every respect so much as is appointed and allowed by this act to be done and executed by one or two justices of peace of any county within this realm.

Aldermen of London.

A parish extending into two counties or into two liberties.

IX. And be it also enacted, That if it shall happen any parish to extend itself into more counties than one, or part to lie within the liberties of any city, town or place corporate, and part without, that then as well the justices of peace of every county, as also the head officers of such city, town, or place corporate shall deal and intermeddle only in so much of the said parish as lieth within their liberties, and not any further; (2) and every of them respectively within their several limits, wards, and jurisdictions, to execute the ordinances before-mentioned concerning the nomination of overseers, the consent to binding apprentices, the giving warrant to levy taxations unpaid, the taking account of churchwardens and overseers, and the committing to prison such as refuse to account, or deny to pay the arrearages due upon their accounts; (3) and yet nevertheless, the said churwardens and overseers, or the most part of them, of the said parishes that do extend into such several limits and jurisdictions, shall, without dividing themselves, duly execute their office in all places within the said parish, in all things to them belonging, and shall duly exhibit and make one account before the said head officer of the town or place corporate, and one

other

other before the said justices of peace, or any such two of them, as is aforesaid.

X. And further be it enacted by the authority aforesaid, That if in any place within this realm there happen to be hereafter no such nomination of overseers yearly, as is before appointed, that then every justice of peace of the county, dwelling within the division where such default of nomination shall happen, and every mayor, alderman, and head officer of city, town, or place corporate where such default shall happen, shall lose and forfeit for every such default five pounds, to be employed towards the relief of the poor of the said parish or place corporate, and to be levied, as aforesaid, of their goods, by warrant from the general sessions of the peace of the said county, or of the same city, town, or place corporate, if they keep sessions.

The justices' forfeiture for not naming of overseers.

XI. And be it also enacted by the authority aforesaid, That all penalties and forfeitures before-mentioned in this act to be forfeited by any person or persons, shall go and be employed to the use of the poor of the same parish, and towards a stock and habitation for them, and other necessary uses and relief, as before in this act are mentioned and expressed; (2) and shall be levied by the said churchwardens and overseers, or one of them, by warrant from any two such justices of peace, or mayor, alderman, or head officer of city, town, or place corporate respectively within their several limits, by distress and sale thereof, as aforesaid; (3) or in defect thereof, it shall be lawful for any two such justices of peace, and the said aldermen and head officers within their several limits, to commit the offender to the said prison, there to remain without bail or mainprize till the said forfeitures shall be satisfied and paid.

How the forfeiture shall be levied and employed.

XII. And be it further enacted by the authority aforesaid, That the justices of peace of every county or place corporate, or the more part of them, in their general sessions to be holden next after the feast of *Easter* next, and so yearly as often as they shall think meet, shall rate every parish to such a weekly sum of money as they shall think convenient; (2) so as no parish be rated above the sum of sixpence, nor under the sum of a halfpenny weekly to be paid, and so as the total sum of such taxation of the parishes in every county amount not above the rate of two-pence for every parish within the said county; (3) which sums so taxed shall be

The justices shall rate every parish to a weekly sum.

be yearly assessed by the agreement of the parishioners within themselves, or, in default thereof, by the churchwardens and petty constables of the same parish, or the more part of them; or, in default of their agreement, by the order of such justice or justices of peace as shall dwell in the same parish, or (if none be there dwelling) in the parts next adjoining.

The penalty for refusing to pay money taxed.

XIII. And if any person shall refuse or neglect to pay any such portion of money so taxed, it shall be lawful for the said churchwardens and constables, or any of them, or, in their default, for any justice of peace of the said limit, to levy the same by distress and sale of the goods of the party so refusing or neglecting, rendering to the party the overplus; (2) and in default of such distress, it shall be lawful to any justice of that limit to commit such person to the said prison, there to abide without bail or mainprize till he have paid the same.

Relief for the prisoners of the King's Bench, Marshalsea, hospitals.

XIV. And be it also enacted, That the said justices of peace, at their general quarter-sessions to be holden at the time of such taxation, shall set down what competent sums of money shall be sent quarterly out of every county or place corporate, for the relief of the poor prisoners of the King's Bench and Marshalsea, and also of such hospitals and alms-houses as shall be in the said county, and what sums of money shall be sent to every one of the said hospitals and alms-houses, so as there be sent out of every county yearly twenty shillings at the least, to each of the said prisons of the King's Bench and Marshalsea; (2) which sums rateably to be assessed upon every parish, the churchwardens of every parish shall truly collect and pay over to the high constables in whose division such parish shall be situate, from time to time, quarterly, ten days before the end of every quarter; (3) and every such constable, at every such quarter-sessions in such county, shall pay over the same to two such treasurers, or to one of them, as shall by the more part of the justices of peace of the county be elected to be the said treasurers, to be chosen by the justices of peace of the said county, city or town, or place corporate, or of others which were sessed and taxed at five pounds lands, or ten pounds goods at the least, at the tax of subsidy next before the time of the said election to be made; (4) and the said treasurers so elected to continue for the space of

Treasurers.

one whole year in their office, and then to give up their charge, with a due account of their receipts and disbursements, at the quarter-sessions to be holden next after the feast of *Easter* in every year, to such others as shall, from year to year, in form aforesaid, successively be elected treasurers for the said county, city, town, or place corporate; (5) which said treasurers, or one of them, shall pay over the same to the lord chief justice of *England*, and knight marshal for the time being, equally to be divided to the use aforesaid, taking their acquittance for the same, or in default of the said chief justice, to the next antientest justice of the King's Bench, as aforesaid; (6) and if any churchwarden or high constable, or his executors, or administrators, shall fail to make payment in form above specified, then every churchwarden, his executors, or administrators, so offending, shall forfeit for every time the sum of ten shillings; (7) and every high constable, his executors, or administrators, shall forfeit for every time the sum of twenty shillings; (8) the same forfeitures, together with the sums behind, to be levied by the said treasurer and treasurers by way of distress and sale of the goods as aforesaid, in form aforesaid, and by them to be employed towards the charitable uses comprised in this act.

Lord chief justice of England, knight marshal.

The forfeiture of the church-wardens or high-constables offending.

XV. And be it further enacted, That all the surplusage of money which shall be remaining in the said stock of any county, shall, by discretion of the more part of the justices of peace in their quarter-sessions, be ordered, distributed and bestowed for the relief of the poor hospitals of that county, and of those that shall sustain losses by fire, water, the sea, or other casualties, and to such other charitable purposes, for the relief of the poor, as to the more part of the said justices of peace shall seem convenient.

How the surplusage shall be bestowed.

XVI. And be it further enacted, That if any treasurer elected shall wilfully refuse to take upon him the said office of treasurership, or refuse to distribute and give relief, or to account, according to such form as shall be appointed by the more part of the said justices of peace, that then it shall be lawful for the justices of peace, in their quarter-sessions, or in their default, for the justices of assize at their assizes to be holden in the same county, to fine the same treasurer by their discretion; (2) the same fine not to be under three pounds, and to be levied by sale of his goods,

The penalty for refusing to be treasurer, to give relief, or account.

goods, and to be prosecuted by any two of the said justices of peace whom they shall authorize. (3) Provided always, That this act shall not take effect until the feast of *Easter* next.

This act to take effect at Easter.

XVII. And be it enacted, That the statute made in the nine-and-thirtieth year of Her Majesty's reign, intituled, *An Act for the relief of the poor*, shall continue and stand in force until the feast of *Easter* next; (2) and that all taxations heretofore imposed and not paid, nor that shall be paid before the said feast of *Easter* next, and that all taxes hereafter before the said feast to be taxed by virtue of the said former act, which shall not be paid before the said feast of *Easter*, shall and may after the said feast of *Easter*, be levied by the overseers and other persons in this act respectively appointed to levy taxations, by distress, and by such warrant in every respect, as if they had been taxed and imposed by virtue of this act, and were not paid.

For what time, and to what purpose the stat. of 39 El. c. 3 shall be put in execution.

XVIII. Provided always, That whereas the island of *Fowlness* in the county of *Essex*, being environed with the sea, and having a chapel of ease for the inhabitants thereof, and yet the said island is no parish, but the lands in the same are situated within divers parishes far distant from the said island; (2) be it therefore enacted by the authority aforesaid, That the said justices of peace shall nominate and appoint inhabitants within the said island, to be overseers for the poor people dwelling within the said island, and that both they the said justices and the said overseers shall have the same power and authority to all intents, considerations, and purposes, for the execution of the parts and articles of this act, and shall be subject to the same pains and forfeitures, and likewise that the inhabitants and occupiers of lands there shall be liable and chargeable to the same payments, charges, expences, and orders, in such manner and form as if the same island were a parish: (3) in consideration whereof, neither the said inhabitants or occupiers of land within the said island, shall not be compelled to contribute towards the relief of the poor of those parishes wherein their houses or lands which they occupy within the said island are situated, for or by reason of their said habitations or occupyings, other than for the relief of the poor people within the said island, neither yet shall the other inhabitants of the parishes wherein such houses or

The island of Fowlness in Essex.

lands are situated be compelled, by reason of their resiancy or dwelling, to contribute to the relief of the poor inhabitants within the said island.

The defendant's plea in a suit commenced against him upon this statute.

XIX. And be it further enacted, That if any action of trespass or other suit shall happen to be attempted and brought against any person or persons, for taking of any distress, making of any sale, or any other thing doing, by authority of this present act, the defendant or defendants in any such action or suit shall and may either plead not guilty, or otherwise make avowry, cognisance, or justification, for the taking of the said distresses, making of sale, or other thing doing by virtue of this act, alledging in such avowry, cognisance, or justification, That the said distress, sale, trespass, or other thing whereof the plaintiff or plaintiffs complained, was done by authority of this act, and according to the tenor, purport, and effect of this act, without any expresssing or rehearsal of any other matter or circumstance contained in this present act; (2) to which avowry, cognisance or justification, the plaintiff shall be admitted to reply, That the defendant did take the said distress, made the said sale, or did any other act or trespass supposed in his declaration, of his own wrong, without any such cause alledged by the said defendant; (3) whereupon the issue in every such action shall be joined, to be tried by verdict of twelve men, and not otherwise, as is accustomed in other personal actions; (4) and upon the trial of that issue, the whole matter to be given on both parties in evidence, according to the very truth of the same; (5) and after such issue tried for the defendant, or non-suit of the plaintiff after appearance, the same defendant to recover treble damages, by reason of his wrongful vexation in that behalf, with his costs also in that part sustained, and that to be assessed by the same jury, or writ to inquire of the damages, as the same shall require.

Treble damages for the defendant, and his costs.

XX. Provided always, That this act shall endure no longer than to the end of the next session of parliament, 3 *Car.* I. *c.* 4. *Continued until the end of the first session of the next parliament, and farther continued by* 16 *Car.* I. *c.* 4.

[7 Jac. Cap. 3.]

An Act for the continuing and better Maintenance of Husbandry and other manual Occupations, by the true Imployment of Monies given and to be given for the Binding out of Apprentices.

How money given for the binding of poor children to occupations, shall be bestowed.

"FORASMUCH as the true labour and exercise of husbandry, and the bringing up of apprentices of both sexes in trades and manual occupations, are things very profitable in the commonwealth, and acceptable and pleasing unto Almighty God, there being already great sums of money freely given, and more in time to come like to be given by divers well-disposed persons, unto the corporations of divers cities, boroughs, towns corporate, and unto divers persons in sundry towns not corporate, and parishes within this realm of *England*, to be continually imployed in the binding out as apprentices, of a great number of the poorest sort of children unto needful trades and occupations; the experience whereof hath brought forth very great profit and commodity unto those cities, towns, and parishes where any parts of the said monies have been so given and imployed, and so no doubt there will consequently ensue thereof the exceeding good of the commonwealth in general; (2) and for that the most part of the poorer sorts of children, would (as heretofore) without such good care and assistance, be brought up in idleness and disordered kinds of life, to their utter overthrow, and to the great prejudice of the whole commonwealth; (3) and for that it is very likely that many other well-disposed people will be the better encouraged willingly to follow the like good example, in bestowing also good sums of monies to the same good and godly purposes, if it might be so provided, that such monies as have been already so freely given, or as hereafter shall be given for the binding out of such poor children apprentices, may continually hereafter remain, and be wholly imployed accordingly."

How money given for the binding out of appren-

II. Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the

the same, That all sums of money so freely given at any time within three years last past, or hereafter to be given by any person or persons, to be continually employed for the binding out of apprentices, as aforesaid, shall for ever from henceforth continue, and be from time to time used and imployed to such uses, intents, and purposes only, and by such persons, and in such manner and form as shall be hereafter by this present act specified and declared, except the same have been, or shall be otherwise ordered or disposed by the givers thereof; that is to say, (2) that all corporations of all cities, boroughs, and towns corporate, by what name or names soever they shall be known or incorporated, and in towns and parishes not incorporate, the parson or vicar of every such town or parish, together with the constable or constables, the churchwarden or churchwardens, collectors, and the overseers for the poor for the time being, or the most part of them, where any such sum or sums of money are already given, or shall be hereafter given to be so imployed, shall from time to time, within the said several cities, boroughs, towns, and parishes respectively, have the nomination and placing of such apprentices, and the guiding and imployment of all such monies as have been heretofore so given, or which hereafter shall be given, to and for the continual binding forth of such and so many apprentices, and in such sort as is already, or shall hereafter be so given and appointed, either by the last will and testament, or by any writing or writings under the hands and seals of any person or persons which hath already, or hereafter shall so give any sum or sums of monies unto the good and godly purposes and intents aforesaid; (3) and if the corporation of any such cities, boroughs, or towns corporate, by what name or names soever they shall be called or incorporated, or any the person or persons in the other towns and parishes above mentioned, appointed by this act to have continually the guiding and employment of such sums of monies so already given, or hereafter to be given, to the intents and purposes aforesaid, shall at any time hereafter wilfully forbear or refuse, according to their duties in this behalf, to imploy such sums of money so given or to be given, as aforesaid, for the binding out of such apprentices, by means of which wilful forbearance or refusing, the said money shall not be imployed accordingly, that *then* they and every of them so offending contrary to this act, shall forfeit for every such offence, the sum of three

tices of poor children shall be employed, and by whom.

The forfeiture of those who of duty ought, and yet refuse to employ the money.

pounds six shillings and eight-pence, lawful *English* money; the one half thereof to be given to the poor of the town or parish where such fault or offence shall be done or committed, the other moiety to the party that shall sue for the same; (4) and that every man that will, may, and shall be admitted to sue for the same moiety, for the use and benefit of the said poor, and shall be also admitted to sue for the forfeiture of the other moiety in any of the King's majesty's courts of record, to his own benefit and behoof, by action of debt, bill, plaint or information, wherein no protection, wager of law, or essoin, shall be admitted or allowed.

The party which receiveth the money shall be bound with sureties to repay it.

III. And for that all monies so given may the better continue to and for the purposes aforesaid, Be it enacted by the authority aforesaid, that the master, mistress or dame of every such apprentice or apprentices that shall receive any such sum or sums of money, as aforesaid, shall become bound with one or two sufficient sureties, by bond or obligation in double the sum which they and every of them shall so receive with such apprentice or apprentices as aforesaid, unto the corporation of any such city or town corporate, by what name or names soever they shall be called or incorporated, or to such person or persons in the other towns and parishes not incorporated, appointed by this act to have continually the guiding and imployment of all such sums of money so already given, or hereafter to be given, to the intents and purposes aforesaid, respectively; upon condition to repay such sum or sums of money, as he or she shall so receive with any such apprentice or apprentices, at the end of seven years next ensuing the date of the said obligation, or within three months next after the end of the said seven years; (2) and if such apprentice shall happen to die within the said space of seven years, then within one year after his or her said death; (3) and if the master, mistress or dame to whom any such apprentice or apprentices shall be bound, shall happen to die within the said space of seven years, then within one year next, after his or her said death; (4) so as the said monies may be again imployed for placing such apprentice with some other person of the same trade, to serve out the residue of the years of his or her former apprenticeship, by the discretion of the said persons trusted as aforesaid.

Within what time the

IV. And be it further enacted by the authority aforesaid, That every such sum or sums of money so given, or to be given

given in manner and form, and to and for the good uses and intents aforesaid, shall always be put forth and imployed by the parties aforesaid, that by this act shall have the disposing and imployment thereof, within three months at the furthest, after such money shall come to the hands of the said parties, that by the intent and true meaning of this act, ought to dispose and imploy the same; (2) and if at such times there shall not be found fit and apt persons to be bound out apprentices as aforesaid, within the said cities, towns, and parishes where such sums of money are, or hereafter shall be given to be imployed, as afore is declared; then such of the poorest children of any of the parishes next adjoining, shall be bound apprentices in manner as aforesaid, as by the care and good discretions of the parties which by this act have the disposing and employment of the said sums of money in the cities, towns, and parishes where it was first given to be imployed, shall be thought fit and convenient, taking such bonds and obligations of the persons that shall receive the said sums of money so put forth, and with such sureties, and upon such conditions, as is above mentioned and declared.

money shall be put forth

A provision if there be not fit persons in that parish to be apprentices.

V. Provided always, and be it enacted by the authority aforesaid, That choice from time to time be made of the poorest sorts of children of every such city, town, and parish, where such monies shall be so given, and whose parents are least able to relieve them; (2) and that no such apprentice shall be above the age of fifteen years when he or she shall be so first bound out an apprentice.

What sort of persons shall be apprentices.

VI. And for the better execution of this act, Be it further enacted by the authority aforesaid, That all and every person and persons appointed by this act to have the imploying and disposing of any sum or sums of money so given or to be given, as aforesaid, within any town or parish not corporate, shall after the end of this present session of parliament, once every year in the *Easter* week, or within one month next after *Easter* day, make a true and perfect account before four, three, or two justices of the peace dwelling in or next to every of the said towns or parishes, of all such sum and sums of money as they or any of them have imployed in binding of apprentices, by virtue of this act, and of all bonds and obligations taken for the payment thereof; and also of all such sums of money as then shall happen to be remaining in their hands not imployed; (2) and also shall at the making and

Account shall be made of the money employed.

yielding up of the said account, or within ten days then next following, yield and deliver up unto such as shall happen next to succeed them, or then to be in the said rooms and places, all such obligations and bonds as by them or any of them have been before that time taken to the uses aforesaid; as also all sums of money remaining in their or any of their hands, to be imployed, as aforesaid, and not imployed at the time of the yielding up of the said account.

A remedy where any party trusted shall break the trust, or commit any offence.

VII. And further be it enacted by the authority aforesaid, That if any of the parties appointed and trusted by this act to have the disposing and imployment of any of the said sums of money so given or to be given, as aforesaid, shall in any point or degree break the trust and confidence in them in this behalf reposed, or shall commit any other misdemeanor or offence in misimploying of the said sums of money, or any part thereof, or in doing any other act or acts contrary to their duties, and the true intent and meaning of this act, for which there is not by this act any penalty given or appointed, then it shall and may be lawful for any person or persons whatsoever, in the behalf of the poor of such city, borough, or parish, to exhibit his petition to the lord chancellor or lord keeper of the great seal of *England*, for the time being, touching the same: which lord chancellor, or lord keeper of the great seal of *England*, for the time being, shall thereupon have full power and authority to award a commission out of the high court of chancery, under the great seal of *England*, to such and so many persons as his lordship shall think meet to enquire, hear and determine the said offences, and every of them; (2) and if the said commissioners, or the most part of them, shall find that any sum or sums of money so given or to be given, are lost, impaired, wasted, or diminished, then they, or the most part of them, shall likewise have power, by virtue of this act and of their said commission, to rate, raise, and collect the said sum of money so lost, impaired, wasted, or diminished, upon such person or persons in places not incorporate, as by this act are appointed to have the guiding and ordering of the said monies, if they or any of them have failed in their said duties in that behalf, or otherwise upon the able inhabitants of such city, town, or parish where the same shall so happen, as in the discretion of the said commissioners, or the greatest part of them, shall be thought fittest, and to return the said commission,

commission, and the manner of the execution thereof, into the said high court of chancery, within three months next after the execution thereof; (3) and if any person or persons shall find himself grieved by any thing done by the said commissioners, then upon complaint *thereof* made in the high court of chancery, the said lord chancellor or lord keeper for the time being, shall have full power and authority to order and decree the same, as to his lordship shall be thought most fit to stand with equity and good conscience.

A remedy for any party grieved by the commissioners.

[7 Jac. Cap. 4.]

An Act for the due Execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds, and sturdy Beggars, and other lewd and idle Persons.

"WHEREAS heretofore divers good and necessary laws and statutes have been made and provided for the erection of houses of correction, for the suppressing and punishing of rogues, vagabonds, or other idle, vagrant, and disorderly persons; which laws have not wrought so good effect as was expected, as well for that the said houses of correction have not been built according as was intended, as also for that the said statutes have not been duly and severely put in execution, as by the said statutes were appointed;" (2) for remedy whereof, Be it enacted and established by our sovereign lord the King's majesty, and by the lords spiritual and temporal, and by the commons, in this present parliament assembled, and by the authority of the same, That all laws and statutes now in force, made for the erecting and building of houses of correction, and for punishing of rogues, vagabonds, and other wandering and idle persons, shall be put in due execution.

39 El. c. 4. & 5. Houses of correction shall be provided: And the government of them. 2 Inst. 728.

II. And be it further enacted and established by the authority aforesaid, That before the feast of Saint *Michael* the archangel, which shall be in the year of our Lord God one thousand six hundred and eleven, there shall be erected, built, or otherwise provided, within every county of this realm of *England* and *Wales*, where there is not one house of correction already built, purchased, provided, or continued,

There shall be a house of correction provided in every shire, to set idle persons to work. 39 Eliz. c. 4.

nued, one or more fit and convenient house or houses of correction, with convenient backside thereunto adjoining, together with mills, turns, cards, and such like necessary implements, to set the said rogues, or such other idle persons, on work; the same houses to be built, erected, or provided in some convenient place or town in every county; (2) which houses shall be purchased, conveyed, or assured unto such person or persons, as by the justices of peace, or the more part of them, in their quarter sessions of the peace to be holden within every county of this realm of *England* and *Wales*, upon trust, to the intent the same shall be used and imployed for the keeping, correcting, and setting to work of the said rogues, vagabonds, sturdy beggars, and other idle and disorderly persons.

The forfeiture of every justice of peace, if the house of correction be not provided.

III. And be it further enacted by the authority aforesaid, That if the said house so to be erected, purchased, or provided shall not be erected, built, or otherwise provided, before the feast of St. *Michael* the archangel, which shall be in the year one thousand six hundred and eleven, next ensuing the last day of this present session of parliament, that then every justice of peace within every county of this realm of *England* and *Wales*, where such house and backside shall not be erected or provided, shall forfeit for his said neglect five pounds of lawful *English* money; (2) the one moiety thereof to be unto him or them that will sue for the same by action of debt, bill, plaint, or information; in which suit, no protection, essoin, or wager of law shall be admitted; and the other moiety thereof to be employed and bestowed towards the erecting, building, procuring, or providing the said house and backside, and such necessary implements, as aforesaid.

A governor shall be appointed of every house of correction, and his authority.

IV. And be it further enacted and established by the authority aforesaid, That the justices of peace of every county within the realm of *England* and *Wales*, at their quarter sessions of the peace to be holden for their several counties (next after the erecting, providing, or building of the said house or houses, and so from time to time), or the most part of them, shall elect, nominate, and appoint at their will and pleasure, one or more honest fit person or persons, to be governor or master of the said house or houses so to be purchased, erected, built, or provided; (2) which person and persons so chosen by virtue of this present act, shall

shall have power and authority to set such rogues, vagabonds, idle and disorderly persons, as shall be brought or sent unto the said house, to work and labour (being able) from time to time, for such time as they shall continue and be remaining in the said house of correction, and to punish the said rogues, vagabonds, idle and disorderly persons, by putting fetters or gives upon them, and by moderate whipping of them; (3) and that the said rogues, vagabonds, and idle persons, during such time as they shall continue and remain in the said house of correction, shall in no sort be chargeable to the country for any allowance, either at their bringing in or going forth, or during the time of their abode there, but shall have such and so much allowance as they shall deserve by their own labour and work.

The rogues shall not be chargeable to the country.

V. And be it further enacted by the authority aforesaid, That the said justices of peace of every county, within every of their several divisions, twice in every year at the least, and oftner, if there be occasion, shall assemble and meet together for the better execution of this statute; and that some four or five days before their assembly and meeting, the said justices, or the more part of them, shall, by their warrant, command the constables and tithingmen of every hundred, town, parish, village, and hamlet within their said several divisions, which shall be assisted with sufficient men of the same places, to make a general privy search in one night within their said hundreds, towns, villages, and hamlets, for the finding out and apprehending of the said rogues, vagabonds, wandering and idle persons; (2) and that such rogues, vagabonds, wandering and idle persons as they shall then find and apprehend in the said search, shall by them be brought before the said justices at their said assembly or meeting, there to be examined of their idle and wandering life, there to be punished, or otherwise by their warrant to be sent or conveyed unto the said house or houses of correction within the said county, *appointed and prefixed there to be delivered to the master or governor of the said house*, or to his deputy or assignee, to be set to labour and work; (3) at which days and times of assembly and meeting so to be held by the said justices of peace, the constables and tithing men of every hundred, parish, town, village, and hamlet, shall then appear in every their several divisions, before the said justices of peace, at the said assemblies or meetings, and there shall give account and

General privy search shall be made in every hundred, town, &c.

Repealed by 12 Annæ, stat. 2. c. 23. s. 28.

The constables' account of vagabonds apprehended.

and reckoning upon oath in writing, and under the hand of the minister of every parish, what rogues, vagabonds, and wandering and disorderly persons they have apprehended, both in the same search, and also between every such assemblies and meetings, and how many have been by them punished, or otherwise sent unto the houses of correction: which if the said constables or tithingmen shall neglect to perform, as also to convey safely all such rogues, with all other idle and disorderly persons, at the charge of the hundred, as by the justices of peace their warrants shall be sent unto the houses of correction in the same county, that then they shall forfeit such further fines, pains, and penalties, as by the said justices of peace, or the most part of them, shall be thought fit and convenient, not exceeding the sum of forty shillings for every offence.

The governor's allowance for his pains and maintenance.

VI. "And for that it is convenient that the masters or governors of the said houses of correction should have some fit allowance and maintenance for their travel and care to be had in the said service, as also for the relieving of such as shall happen to be weak and sick in their custody, and that the subjects of this realm should in no sort be over-charged, to raise up money for stocks to set such on work as shall be committed to their custody;" (2) Be it therefore enacted and established by the authority of this present parliament, That the masters or governors of the said houses of correction, shall have such sums of money yearly, as shall be thought meet by the most part of the justices of peace within the said county, at the quarter sessions of the peace, the same to be paid quarterly before-hand by the treasurers appointed by one act made in the three-and-fortieth year of the late Queen *Elizabeth*, intituled, *An act for the relief of the poor*, during the time they the said masters and governors shall be imployed in the said service (the said master or governor giving sufficient security for the continuance and performance of the said service); (3) which if the said treasurer shall neglect or refuse to perform, that then the said master or governor of the house of correction shall have authority, by this present act, to levy the same, or so much thereof as shall be unpaid upon the said treasurer's account, in such manner and form as by the said statute they the said treasurers are appointed and authorised to levy, the weekly sum or payment being to them unpaid.

43 Eliz. c. 2.

VII. "And

VII. " And because great charge ariseth upon many places within this realm by reason of bastardy, besides the great dishonour of Almighty God;" Be it therefore enacted, by the authority aforesaid, That every lewd woman, which after this present session of parliament shall have any bastard which may be chargeable to the parish, the justices of peace shall commit such lewd woman to the house of correction, there to be punished, and set on work, during the term of one whole year; (2) and if she shall eftsoons offend again, that then to be committed to the said house of correction, as aforesaid, and *there* to remain until she can put in good sureties for her good behaviour, not to offend so again.

The punishment of lewd women who have bastards. 18 Eliz. c. 3. 2 Bulst. 348.

VIII. " And for that many wilful people finding that they having children, have some hope to have relief from the parish wherein they dwell, and being able to labour, and thereby to relieve themselves and their families, do nevertheless run away out of their parishes, and leave their families upon the parish;" (2) For remedy whereof, be it further enacted by this present parliament, and the authority of the same, That all such persons so running away, shall be taken and deemed to be incorrigible rogues, and endure the pain of incorrigible rogues; (3) and if either such man or woman being able to work, and shall threaten to run away, and leave their families as aforesaid, the same being proved by two sufficient witnesses upon oath, before two justices of peace in that division; that then the said persons so threatening, shall by the said justices of peace be sent to the houses of correction (unless he or she can put in sufficient sureties for the discharge of the parish), there to be dealt with and detained as a sturdy and wandering rogue, and to be delivered at the said assembly or meeting, or at the quarter sessions, and not otherwise.

A remedy for them that run away, and leave their children to the charge of the parish.

IX. " And because there shall be the more care taken by all such masters of the houses of correction, that when the country hath been at trouble and charge to bring all such disorderly persons, as aforesaid, to their safe keeping, that then they shall perform their duties in that behalf," (2) Be it therefore enacted by the authority aforesaid, That if they shall not every quarter sessions yield a true and lawful account unto the justices of peace, of all such persons as have been committed to their custody; or if the said persons

The governors shall give account to the justices of all persons committed to their custody.

sons committed to their custody, or any of them, shall be troublesome unto the country, by going abroad, or otherwise shall escape away from the said house of correction, before they shall be from thence lawfully delivered, that then the said justices shall set down such fines and penalties upon the said master and governors, as the most part of them in their quarter sessions shall think fit and convenient; (3) and all fines and penalties not herein before limited, shall be paid unto the treasurer, and accounted for by the treasurer aforesaid. (4) This act to have continuance for the space of seven years, and from thence to the end of the next session of parliament after the said seven years. 3 *Car.* I. *c.* 4. *continued until the end of the first session of the next parliament;* " *and farther continued by* 16 *Car.* I. *c.* 4."

The continuance of this act.

[7 Jac. Cap. 5.]

An Act for Ease in pleading against troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other His Majesty's Officers, for the lawful Execution of their Office.

The plea of an officer impleaded for the execution of his office. Cro. Car. 175. 285. 467. Vaugh. 113. Noy. 32.

" FOR ease in pleading against many causeless and contentious suits which have been, and daily are commenced and prosecuted against justices of peace, mayors or bailiffs of cities and towns corporate, headboroughs, portreves, constables, tithingmen, collectors of subsidies and fifteens, who for due execution of their office have been troubled and molested, and still are like to be troubled and molested by evil disposed contentious persons, to their great charge and discouragement in doing of their offices," (2) Be it therefore enacted by our sovereign lord the king, and by the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if an action, bill, plaint, or suit upon the case, trespass, battery or false imprisonment shall be brought, after forty days next after the end of this session of parliament, in any of his majesty's courts at *Westminster*, or

or elsewhere, against any justice of peace, mayor or bailiff of city or town corporate, headborough, port-reve, constable, tithing-man, collector of subsidy or fifteens, for or concerning any matter, cause or thing, by them or any of them done, by virtue or reason of their, or any of their office or offices, that it shall be lawful to and for every such justice of the peace, mayor, bailiff, constable, or other officer or officers before named, and all others which in their aid or assistance, or by their commandment, shall do any thing touching or concerning his or their office or offices, to plead the general issue, that he or they are not guilty; (3) and to give such special matter in evidence to the jury which shall try the same, which special matter being pleaded, had been a good and sufficient matter in law to have discharged the said defendant or defendants of the trespass, or other matter laid to his or their charge; (4) and that if the verdict shall pass with the said defendant or defendants in any such action, or the plaintiff or plaintiffs therein become nonsuit, or suffer any discontinuance thereof, that in every such case the justices or justice, or such other judge before whom the said matter shall be tried, shall, by force and virtue of this act, allow unto the defendant or defendants his or their double costs, which he or they shall have sustained by reason of their wrongful vexation in defence of the said action or suit; (5) for which the said defendant or defendants shall have like remedy as in other cases where costs by the laws of this realm are given to the defendants. (6) And this act to continue for seven years, and from thence to the end of the next parliament after the said seven years. *This statute is enlarged, and made perpetual,* 21 *Jac.* I. *c.* 12. "*but see* 21 *Jac.* I. *c.* 28. § 1. *which only continues it to the end of the first session of the next parliament.*"

1 Roll. 274. Moor 845. 1 Mod. 184.

The defendant allowed double costs of suit. 3 Bulst. 77.

Continuance of this act.

[21 Jac. Cap. 12.]

An Act to enlarge and make perpetual the Act made for Ease in pleading against troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other His Majesty's Officers, for the lawful Execution of their Office, made in the seventh Year of His Majesty's most happy Reign.

The statute of 7 Jac. I. c. 5. enlarged and made perpetual. 4 Inst. 174.

WHEREAS an act, intituled, *An act for ease in pleading against troublesome and contentious suits prosecuted against justices of the peace, mayors, constables, and certain other his majesty's officers, for the lawful execution of their office, made in the seventh year of his majesty's most happy reign of England*, was made to continue but for seven years, and from thence to the end of the next parliament after the said seven years, which by experience hath since been found to be a good and profitable law:

II. Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said act shall, from and after the end of this present session of parliament, be perpetual and have continuance for ever.

Churchwardens and overseers of the poor shall be comprehended within the purview of 7 Jac. I. c. 5.

III. And be it further enacted by the authority aforesaid, That all churchwardens, and all persons called sworn-men, executing of the office of churchwardens, and all overseers of the poor, and all others which in their aid and assistance, or by their commandment, shall do any thing touching or concerning his or their office or offices, shall hereafter be enabled to receive, and have such benefit and help by virtue of the said act, to all intents, constructions, and purposes, as if they had been specially named therein.

IV. And whereas notwithstanding the said statute, the plaintiff is at liberty to lay his action which he shall bring against any justice of peace, or other officer, in any foreign country at his choice, which hath proved very inconvenient unto sundry of the officers and persons aforesaid, that have been impleaded by some contentious and troublesome persons in countries far remote from their place of habitations.

V. Be

V. Be it therefore further enacted by the authority aforesaid, That if any action, bill, plaint, or suit upon the case, trespass, battery, or false imprisonment, shall be brought after the end of this present session of parliament, against any justice of peace, mayor, or bailiff of city or town corporate, headborough, portreve, constable, tithingman, collector of subsidy or fifteens, churchwardens, and persons called sworn-men, executing the office of churchwarden or overseer of the poor, and their deputies, or any of them, or any other which in their aid and assistance, or by their commandment, shall do any thing touching or concerning his or their office or offices, for or concerning any matter, cause, or thing by them, or any of them done, by virtue or reason of their, or any of their office or offices, that the said action, bill, plaint, or suit, shall be laid within the county where the trespass or fact shall be done and committed, and not elsewhere; (2) and that it shall be lawful to and for all and every person and persons aforesaid, to plead thereunto the general issue, that he or they are not guilty, and to give such special matter in evidence to the jury which shall try the same, as in or by the said former act is limited or declared; (3) and that if upon the trial of any such action, bill, plaint, or suit, the plaintiff or plaintiffs therein shall not prove to the jury which shall try the same, that the trespass, battery, imprisonment, or other fact or cause of his, her, or their such action, bill, plaint, or suit was, or were had, made, committed, or done within the county wherein such action, bill, plaint, or suit shall be laid, that then, in every such case, the jury which shall try the same shall find the defendant and defendants in every such action, bill, plaint, or suit, not guilty, without having any regard or respect to any evidence given by the plaintiff or plaintiffs therein, touching the trespass, battery, imprisonment, or other cause for which the same action, bill, plaint, or suit, is or shall be brought; (4) and if the verdict shall pass with the defendant or defendants in any such action, bill, plaint, or suit, or the plaintiff or plaintiffs therein become nonsuit, or suffer any discontinuance thereof, that in every such case, the defendant or defendants shall have such double costs, and all other advantages and remedies, as in and by the said former act is limited, directed, or provided.

An action brought against an officer, shall be laid in the county where the fact was committed. 1 Inst. 283. Vaughan 113. 115. 117.

The defendant shall have double costs.

[13 & 14 Car. 2. Cap. 12.]

An Act for the better Relief of the Poor of this Kingdom.

The occasion of increase of poor.

"WHEREAS the necessity, number, and continual increase of the poor, not only within the cities of *London* and *Westminster*, with the liberties of each of them, but also through the whole kingdom of *England* and dominion of *Wales*, is very great and exceeding burthensome, being occasioned by reason of some defects in the law concerning the settling of the poor, and for want of a due provision of the regulations of relief and employment in such parishes or places where they are legally settled, which doth enforce many to turn incorrigible rogues, and others to perish for want, together with the neglect of the faithful execution of such laws and statutes as have formerly been made for the apprehending of rogues and vagabonds, and for the good of the poor;" (2) for remedy whereof, and for the preventing the perishing of any of the poor, whether young or old, for want of such supplies as are necessary, may it please your most excellent Majesty, that it may be enacted, (3) and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That whereas by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy; and when they have consumed it, then to another parish, and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks, where it is liable to be devoured by strangers; (4) be it therefore enacted by the authority aforesaid, that it shall and may be lawful, upon complaint made by the churchwardens or overseers of the poor of any parish, to any justice of peace, within forty days after any such person or persons coming so to settle as aforesaid, in any tenement under the yearly value of ten pounds, for any two justices of the peace, whereof one to be of the *quorum*, of the division where any person or persons that are likely to be chargeable to the parish shall come to inhabit, by their war-

Poor people going from one parish to another.

How to be settled, coming to any tenement under ten pounds yearly value.

Altered and explained by 1 Jac. II. c. 17. s. 3.

rant to remove and convey such person or persons to such parish where he or they were last legally settled, either as a native, housholder, sojourner, apprentice, or servant, for the space of forty days at the least, unless he or they give sufficient security for the discharge of the said parish, to be allowed by the said justices. 3 & 4 W. & M. c. 11. s. 3.

II. Provided always, That all such persons who think themselves aggrieved by any such judgment of the said two justices, may appeal to the justices of the peace of the said county, at their next quarter sessions, who are hereby required to do them justice, according to the merits of their cause. Persons grieved may appeal to the quarter sessions.

III. Provided also, That (this act notwithstanding) it shall and may be lawful for any person or persons to go into any county, parish, or place, to work in time of harvest, or any time to work at any other work, so that he or they carry with him or them a certificate from the minister of the parish, and one of the churchwardens and one of the overseers for the poor for the said year, that he or they have a dwelling house or place in which he or they inhabit, and have left wife and children, or some of them there (or otherwise, as the condition of the persons shall require), and is declared an inhabitant or inhabitants there; (2) and in such case, if the person or persons shall not return to the place aforesaid, when his or their work is finished, or shall fall sick or impotent whilst he or they are in the said work, it shall not be accounted a settlement in the cases abovesaid, but that it shall and may be lawful for two justices of the peace to convey the said person or persons to the place of his or their habitations as aforesaid, under the pains and penalties in this act prescribed; (3) and if such person or persons shall refuse to go, or shall not remain in such parish where they ought to be settled as aforesaid, but shall return of his own accord to the parish from whence he was removed, it shall and may be lawful for any justice of the peace of the city, county, or town corporate, where the said offence shall be committed, to send such person or persons offending to the house of correction, there to be punished as a vagabond, or to a public work-house, in this present act hereafter mentioned, there to be employed in work or labour; (4) and if the churchwardens and overseers of the poor of the parish to which he or they shall be removed, refuse to receive such person or persons, and to provide work for them, as other inhabitants of the parish, any justice of Persons going to work in harvest.

peace of that division may and shall thereupon bind any such officer or officers in whom there shall be default, to the assizes or sessions, there to be indicted for his or their contempt in that behalf.

Corporations or workhouses in the cities of London and Westminster, Middlesex, Surrey.

IV. And, for the further redress of the mischiefs intended to be hereby remedied, be it enacted by the authority aforesaid, That from thenceforth there be, and shall be, one or more corporation or corporations, workhouse or workhouses, within the cities of *London* and *Westminster*, and within the boroughs, towns and places of the county of *Middlesex* and *Surrey*, situate, lying, and being within the parishes mentioned in the weekly bills of mortality, consisting of a president, a deputy to the president, and a treasurer; and that the lord mayor of the city of *London* for the time being be president of the corporation or corporations, workhouse or workhouses, within the said city, and the assistants to be the aldermen of the said city of *London* for the time being, and fifty-two other citizens to be chosen by the common council of the said city; (2) and that the said president and assistants, or the major part of them, shall and may elect a deputy president and treasurer, and all other necessary officers hereby constituted and authorized to execute the powers and offices by this act appointed; (3) and that upon the vacancy by death or otherwise of any assistant, the power to elect in their rooms be in the said common council; and the election of the deputy president or treasurer, and all other officers, in the said president and major part of the assistants as aforesaid; (4) and that a president, a deputy president, a treasurer and assistants be nominated and appointed by the lord chancellor, or lord keeper of the great seal of *England*, for the time being, out of the most fit persons inhabiting the city of *Westminster* or the liberties thereof, for the corporation or corporations, workhouse or workhouses within the same.

President, deputy president, treasurer, and assistants for Middlesex and Surrey, how to be elected.

V. And for the said places within the weekly bills of mortality in the said counties of *Middlesex* and *Surrey* respectively, there shall be elected and chosen by the major part of the justices of the peace for the said counties in their respective quarter sessions assembled, out of the most able and honest inhabitants and freeholders of every of the said counties of *Middlesex* and *Surrey* respectively, a president, a deputy president, a treasurer and assistants for the corporation or corporations, workhouse or workhouses of the places aforesaid

in

in *Middlesex* and *Surrey*; and that upon the vacancy by death or otherwise of any of the presidents, deputy presidents, treasurers, or assistants in the city of *Westminster*, and places aforesaid in *Middlesex* and *Surrey*, the power to elect others in their rooms be in the major part of the respective justices of peace, who in their general quarter sessions from time to time shall accordingly supply such vacant places; (2) and that at every quarter sessions they shall require and take an account in writing of all the receipts, charges, and disbursements of the officers and treasurer of such corporation or corporations, workhouse or workhouses, how and how many poor people have been employed and set to work in the year last past, and what stock there was and is remaining; (3) which president, deputy president and treasurer for the time being respectively, shall for ever hereafter, in name and fact, be bodies politic and corporate in law, to all intents and purposes, and shall have a perpetual succession, and may sue or plead, or be sued and impleaded, by the name of the president and governors for the poor of the respective places aforementioned, in all courts and places of judicature within this kingdom, and the dominion of *Wales*, and the town of *Berwick-upon-Tweed*; (4) and by that name every of the said corporations shall and may, without licence in *mortmain*, purchase or receive any lands, tenements, or hereditaments, not exceeding the yearly value of three thousand pounds *per annum*, of the gift, alienation, or devise of any person or persons, who are hereby without further licence enabled to give the same, and any goods, chattels, or sums of money whatsoever, to the use, intent, and purposes hereafter limited and appointed; (5) and that each respective corporation, or any seven of them, shall have hereby power and authority from time to time to meet and keep courts for the ends and purposes in this act expressed, at such time and place as shall be appointed by the said president, his deputy, or the treasurer, who are hereby required upon the desire of any four of the said corporation, at any time to cause a court to be warned accordingly, and shall have hereby authority from time to time to make and appoint a common seal for the use of the said corporation.

City of Westminster.

VI. And it is further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and governors of the said corporations for the time being, or any

The powers of the said president and gover-

nors of the said corporations.

any two of them, or to or for any person authorised and appointed by them, or any two of them, from time to time to apprehend, or cause to be apprehended, any rogues, vagrants, sturdy beggars, or idle and disorderly persons within the said cities and liberties, places, divisions, and precincts, and to cause them to be kept and set to work in the several and respective corporations or workhouses; (2) and it shall and may be lawful for the major part of the justices of peace in their quarter sessions, to signify unto His Majesty's privy council, the names of such rogues, vagabonds, idle and disorderly persons, and sturdy beggars, as they shall think fit to be transported to the *English* plantations; (3) and upon the approbation of His Majesty's privy council to the said justices of peace signified, which persons shall be transported, it shall and may be lawful for any two or more of the justices of the peace, them to transport, or cause to be transported from time to time, during the space of three years next ensuing the end of this present session of parliament, to any of the *English* plantations beyond the seas, there to be disposed in the usual way of servants, for a term not exceeding seven years.

A stock for supply of the work, how to be provided in London, Westminster, Middlesex, Surrey.

VII. And be it further enacted by the authority aforesaid, That if the president and governors of any of the said corporations shall certify under their common seal, their want and defect either of a present stock for the foundation of the work, or for supply thereof for the future, and what sum or sums of money they shall think fit for the same, to the common council of the said city of *London*, and the burgesses and justices of peace in their quarter sessions of the said city of *Westminster* and the liberties thereof, or the justices of the respective counties of *Middlesex* and *Surrey* assembled in either quarter sessions; that thereupon the common council of the said city of *London*, and the burgesses of the said city of *Westminster*, and the justices of peace of the said cities and counties in their quarter sessions assembled, are hereby required from time to time to set down and ascertain such competent sum and sums of money for the purposes aforesaid, not exceeding one year's rate from time to time usually set upon any person for or towards the relief of the poor, and the same to proportion out upon the several wards, precincts, counties, divisions, hundreds, and parishes, as they shall think fit; (2) and thereupon the aldermen, deputies, and

common councilmen of every ward in the city of *London*, and burgesses and justices of the peace of the city of *Westminster* and the liberties thereof, and justices of the peace of the said counties of *Middlesex* and *Surrey*, shall have power and authority, and are hereby required, equally and indifferently, according to the proportions appointed as aforesaid for the several wards, precincts, cities, and parishes as aforesaid, to tax and rate the several inhabitants within the said respective wards, precincts, and parishes, as well within liberties as without; (3) with which tax if any person or persons find him or themselves aggrieved, supposing the same to be unequal, he or they shall and may make their complaint known to the justices of the peace at the next open sessions, who shall take such final order therein, as in like cases is already by the law provided.

VIII. And it is further enacted by the authority aforesaid, That it shall and may be lawful to and for any alderman of the city of *London*, or his deputy, or the burgesses and justices of peace of the city of *Westminster* and the liberties thereof, or any two or more of them, or any two justices of peace of the respective counties of *Middlesex* and *Surrey*, by their warrant under their hands and seals, to authorize the churchwardens or overseers of the poor within the places and parishes aforesaid, to demand, gather, and receive of every person or persons, such sum and sums of money as shall be assessed upon them by virtue of the taxations and contributions aforesaid; (2) and for default of payment within ten days after demand thereof made, or notice in writing left at the dwelling-house or lodging of every person so assessed, to levy the same by distress and sale of the goods of every such person, and after satisfaction made, to restore the surplusage to the party so distrained.

Stocks formerly in London for the relief of the poor, how to be paid.

IX. And be it enacted by the authority aforesaid, That all stocks raised for the relief and employment of the poor in the city of *London* and liberties thereof, which was in the hands of a corporation heretofore appointed in the said city for that service, or in the hands of any other person or persons whatsoever, before the nine-and-twentieth day of *September* which was in the year of our Lord one thousand six hundred and sixty, commonly called the feast of St. *Michael* the archangel, or at any time since, together with all the arrears of money formerly allotted for that service, or legacies given to the same

end, shall be payable to the treasurer of the corporation or corporations, workhouse or workhouses, to be established by this present act, who are hereby authorized and impowered by themselves, or their officers thereunto by them deputed, to collect, gather, receive, and recover the said money and legacies, which shall be due and in arrear as aforesaid; with which said arrears, and every part and parcel thereof, the corporation or corporations aforesaid by this act made, constituted, and established, is and shall be hereby invested and interested for the execution of the service hereby enjoined them: (2) and all those that have had or now have any of the said stocks in their or any of their hands, shall be accountable to the said treasurer, or to those that shall be appointed by the said corporation or corporations, or any seven or more of them, to take the said account.

X. Provided always, and be it enacted by the authority aforesaid, That there shall be a full allowance of all just and necessary expences which have been laid out by the said former corporation for the relief of the said poor, and the carrying on of the said service since the time before expressed.

Power to make orders and by-laws.

XI. And it is further enacted by the authority aforesaid, That the respective president and governors, or any seven of them, shall have power from time to time to make and constitute orders and by-laws for the better relieving, regulating, and setting the poor to work, and the apprehending and punishing of rogues, vagabonds, and beggars within the cities, liberties, and places aforesaid, that have not wherewith to maintain themselves, and for other the matters aforesaid.

XII. Provided the said orders and by-laws shall from time to time be presented to the justices of peace in their quarter sessions assembled, to be allowed by the major part of them, and confirmed by order of the said court.

Power to chuse and entertain officers.

XIII. And it is further enacted by the authority aforesaid, That the president and governors of any the said corporation or corporations, workhouse or workhouses, or any fourteen or more of them, being assembled together, shall have hereby power to chuse and entertain all such officers and others as shall be needful to be employed in and about the premises, and them or any of them, from time to time, to remove as they shall see cause, and upon the death or removal of them or any of them, to chuse others in their places for the carrying on of the work, and to make and give such reasonable

able allowances unto them or any of them, out of the stock and revenue belonging to the said corporation or workhouse, as they shall think fit.

All sheriffs, &c. to be assisting to the said corporation, and their officers.

XIV. And it is further enacted by the authority aforesaid, That all sheriffs, bailiffs, constables, and all other officers and ministers of justices, shall be aiding and assisting to the said corporation or corporations, and to all such officers as shall be employed by them or any of them in the execution or performance of the said service.

Lancashire, Cheshire, Derbyshire, Yorkshire, Northumberland, Durham, Cumberland, Westmorland. 43 Eliz. c. 2.

XXI. *Whereas the inhabitants of the counties of* Lancashire, Cheshire, Derbyshire, Yorkshire, Northumberland, *the bishoprick of* Durham, Cumberland, *and* Westmorland, *and many other counties in* England *and* Wales, *by reason of the largeness of the parishes within the same, have not, nor cannot reap the benefit of the act of parliament made in the three-and-fortieth year of the reign of the late Queen* Elizabeth *for relief of the poor;* (2) therefore be it enacted by the authority aforesaid, That all and every the poor, needy, impotent, and lame person and persons within every township or village within the several counties aforesaid, shall from and after the passing of this act be maintained, kept, provided for, and set on work, within the several and respective township and village wherein he, she, or they shall inhabit, or wherein he, she, or they was or were last lawfully settled, according to the intent and meaning of this act; (3) and that there shall be yearly chosen and appointed, according to the rules and directions in the said act of the three-and-fortieth year of Queen *Elizabeth* mentioned, two or more overseers of the poor within every of the said townships or villages, who shall from time to time do, perform, and execute all and every the acts, powers, and authorities for the necessary relief of the poor within the said township or village, and shall lose, forfeit, and suffer all such pains and penalties for non-performance thereof, as is limited, mentioned, and appointed in and by the said in part recited act.

XXII. And be it further enacted by the authority aforesaid, That the justices of peace within the said counties shall have and enjoy such and the like powers and authorities to raise and levy monies, and to do and execute all and every such other act and thing whatsoever, within every township or village within the said county where they are justices, as is given, limited, and appointed unto and for them to do and execute

within any parish or parishes, in and by the said act made in the said three-and-fortieth year of the said late Queen *Elizabeth*, under such and the like pains and penalties for the non-performance of their duties, to be levied and disposed of as is nominated and expressed in the said act.

43 Eliz. c. 2.

Power of the justices to transport rogues and vagabonds.

XXIII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful for the justices of peace in any of the counties of *England* and *Wales*, in their quarter sessions assembled, or the major part of them, to transport, or cause to be transported such rogues, vagabonds, and sturdy beggars, as shall be duly convicted and adjudged to be incorrigible, to any of the *English* plantations beyond the seas.

Proviso for the dean and chapter of Westminster.

XXIV. Provided also, That neither this act nor any thing therein contained shall extend to be, or be construed, expounded or taken, to the prejudice or infringement of any of the franchises, rights, liberties, or privileges heretofore granted by the Kings and Queens of this realm, His Majesty's royal predecessors, to the dean and chapter of the collegiate church of St. *Peter* in *Westminster*.

The continuance of divers parts of this act. 11 & 12 W. III. c. 13.

XXV. Provided always, That this act, as to all the matters therein contained, (excepting what relates unto the corporations mentioned and constituted thereby,) shall extend and be in force until the nine-and-twentieth day of *May* one thousand six hundred sixty-five, and the end of the first session of the next parliament then next ensuing, and no longer. [*Made perpetual by* 12 *Ann. stat.* 1. *c.* 18. *s.* 1.]

[19 Car. 2. Cap. 4.]

An Act for Relief of poor Prisoners, and setting of them on Work.

"WHEREAS there is not yet any sufficient provision made for the relief and setting on work of poor and needy persons committed to the common gaol for felony and other misdemeanors, who many times perish before their trial; and the poor there living idly and unimployed, become debauched,

debauched, and come forth instructed in the practice of thievery and lewdness:" (2) For remedy whereof, Be it enacted by the King's most excellent Majesty, with advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by authority of the same, That the justices of the peace of the respective counties, at any their general sessions, or the major part of them then there assembled, if they shall find it needful so to do, may provide a stock of such materials as they find convenient for the setting poor prisoners on work, in such manner, and by such ways as other county charges by the laws and statutes of the realm are and may be levied and raised: and to pay and provide fit persons to oversee and set such prisoners on work; (3) and make such orders for accounts of and concerning the premises as shall by them be thought needful, and for punishment of neglects and other abuses, and for bestowing of the profit arising by the labour of the prisoners so set on work, for their relief, which shall be duly observed; and may alter, revoke, or amend such their orders from time to time. (4) Provided that no parish be rated above sixpence by the week towards the premises, having respect to the respective values of the several parishes.

How stocks may be provided for setting the poor on work.

II. "And whereas sometimes by occasion of the plague, and other whiles by the great number of prisoners, great and infectious diseases have happened among the prisoners, whereby it hath come to pass sometimes that the judges, justices, and jurors have, upon occasion of their attendance at the trial of prisoners, been infected, and many of them died thereof, and sometimes such infection hath spread in the country:" (2) For some remedy therein, be it by the same authority enacted, That any sheriff of the respective counties, having the custody of the gaol, or such persons who have the custody of the gaol, with the advice and consent of three or more justices of the peace, whereof one to be of the *quorum*, may, if they shall on enquiry or information find it needful, upon emergent occasions in the respective counties, provide other safe places, for the removal of sick or other persons, from and out of the ordinary and usual gaols; (3) the same places to be used and employed for the reception and custody of the prisoners, to be by or according to their order or orders kept, ordered, disposed, and conveyed to the places appointed for the gaol delivery, in such

Sickness and diseases, happening among prisoners.

and

and like manner as such prisoners ought to be kept, ordered, disposed, and conveyed in and from the common gaols by the laws and statutes of the land. Provided, no such place be made use of for the purposes aforesaid, against the good and free will of the owners thereof.

Removing of prisoners.

III. Provided also, and be it enacted by the authority aforesaid, That the mayor, bailiff, and other head officer, or any other person and persons, who have and hath the custody of the common gaol within any corporation of this kingdom and dominion of *Wales*, shall, by and with the advice of three or more justices of peace within the said corporation, whereof one of them to be of the *quorum*, in time of infection, have the like power and authority for removing his and their prisoners into some other convenient place within their jurisdiction, as to them shall seem fit, during the time of infection; and also to raise a stock after the same rates and proportions, as is herein before allowed, to and for the several counties of this kingdom.

IV. Provided also, and be it further enacted by the authority aforesaid, as followeth, (*viz.*) That whereas there is already provided a strong and sufficient messuage in the

Exon.

parish of Saint *Thomas* the apostle, near the city of *Exon*, for the purpose aforesaid, and one thousands pounds more by certain trustees, upon proposals and agreements made by them with certain gentlemen, justices of the peace for the

Devon.

county of *Devon*, who have also provided one thousand pounds more, in order to purchase lands of inheritance for the good purposes hereafter mentioned; (2) Be it enacted by the authority aforesaid, That the said two thousand pounds be laid out in purchase of lands of inheritance, by order of the general sessions of the peace hereafter at any time to be held, in the name of such persons as by such order shall be appointed. (3) *Item*, That the said house, with the grounds therewith inclosed, be had and used as a common gaol and workhouse for the said connty, in manner as is after expressed. (4) *Item*, That an overseer be therein placed by like order, and by like order be removeable from time to time; which overseer shall have the charge, custody, and government of the prisoners to him committed according to this act, and shall have fifty pounds *per annum* during the execution of his office, and ten pounds *per annum* for his deputy; but shall therefore take no fees for receiving, delivering,

vering, or doing any other service relating to the prisoners from or of any the said prisoners. (5) *Item*, That the said justices by like order from time to time shall and may, by approbation of the ordinary, provide and appoint some meet and discreet minister to read divine service according to the orders of the church of *England*, unto the prisoners, at least four days in the week, that is to say, on the Lord's day, each Wednesday, and each Friday and Saturday, and oftener, if the said justices shall appoint; and to take pains in instructing them each Lord's day at the least, for which they may allow him thirty pounds *per annum*, or after that rate, the rest of the profits to be for repairing the house, and towards finding a stock for to set the prisoners on work. (6) *Item*, That any person charged with such offence only for which clergy is allowable, if so be he be needy and indigent, and not likely to maintain himself in gaol, may, by warrant of the justice or justices of the peace, to whom jurisdiction in that behalf appertaineth, be committed to the said workhouse in order to his trial; (7) and if any person shall be committed to the ordinary gaol, who shall be or become so indigent, he may by warrant of three justices of peace, whereof one to be of the *quorum*, be removed from the ordinary common gaol to the said house; all which prisoners so committed or removed, shall be in the custody of the overseer, and be ordered and demeaned in the said house, and conveyed to the sessions, or to the gaol delivery, by like warrant, way, and means, as the prisoners in other gaols, by the laws and statutes of this realm, are to be ordered and demeaned.

V. And because the said workhouse is distant from the ordinary common gaol, the prisoners, by order from the sessions or gaol delivery, may, in order to their trials, be removed to the common gaol, to be the more ready for their trials. (2) *Item*, That the said overseer shall give security for the stock, and be liable to such regulations and orders for accounts and otherwise, as the sessions shall from time to time make for setting the poor prisoners on work there, which shall be obeyed and observed. That a convenient stock be from time to time raised at the charge of the county. (3) *Item*, That the said justices of the county in *Devon*, may put in ure all the powers in this act, as other justices may in any other county by virtue thereof.

VI. Sav-

VI. Saving to the King's Majesty, his heirs and successors, and to every other person and persons, and their heirs, successors, executors, and administrators, all rights, titles, claims, and demands whatsoever, into or out of the said messuages and premises, as if this act had never been made.

[1 Jac. II. Cap. 17. Sect. 2. & 3.]

An Act for reviving and continuance of several Acts of Parliament therein mentioned.

13 & 14 Car. II. c. 12. revived for seven years, except as to the corporation. *Made perpetual*, 12. Annæ stat. 1. c. 18.

II. AND be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That one act of parliament made in the thirteenth and fourteenth years of His said late Majesty's reign, intituled, *An act for the better relief of the poor of this kingdom*, (except what relates unto the corporation therein mentioned and constituted thereby) shall be in force from the first day of this present session of parliament, and so to continue for the space of seven years, and from thence to the end of the next session of parliament.

Settlement to be accounted from notice in writing.

III. *And forasmuch as such poor persons at their first coming to a parish do commonly conceal themselves;* be it therefore hereby provided and enacted by the authority aforesaid, That the forty days continuance of such person in a parish, intended by the said act to make a settlement, shall be accounted from the time of his or her delivery of notice in writing (which they are hereby required to do) of the house of his or her abode, and the number of his or her family, if he or she have any, to one of the churchwardens or overseers of the poor of the said parish, to which they shall so remove.

[3 Will. & Mar. Cap. 11.]

An Act for the better Explanation and supplying the defects of the former Laws, for the Settlement of the Poor.

"WHEREAS one act of parliament made in the thirteenth and fourteenth years of His late Majesty King *Charles* the Second, intituled, *An act for the better relief of the poor of this kingdom*, (except what relates to the corporation therein mentioned and constituted thereby) was revived and continued with some alterations, by one other act made in the first year of the late King *James* the Second, and have been found by experience to be good and wholesome laws, but may shortly expire:" 13 & 14 Car. II. c. 12,

II. Be it therefore enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the said acts, as to what relates to the settlements of the poor, shall be in force from the first day of *March* one thousand six hundred ninety-one. 13 & 14 Car. II. c. 12. & 1 Jac. II. c. 17. revived.

III. *But forasmuch as the said acts are somewhat defective and doubtful;* for supplying and explaining the same, be it further provided and enacted by the authority aforesaid, That the forty days' continuance of such person in a parish or town, intended by the said acts to make a settlement, shall be accounted from the publication of a notice in writing, which he or she shall deliver, of the house of his or her abode, and the number of his or her family, if he or she have any, to the churchwarden or overseer of the poor, which said notice in writing the said churchwarden or overseer of the poor is or are hereby required to read, or cause to be read publicly, immediately after divine service, in the church or chapel of the said parish or town, on the next Lord's day, when there shall be divine service in the same; and the said churchwarden or overseer of the poor is or are hereby required to register, or cause to be registered the said notice in writing in the book kept for the poor's account. The note of settlement must be read in the church, and registered in the poor's book.

IV. Provided always, and be it enacted, That no soldier, seaman, shipwright, or other artificer or workman employed No soldiers, &c. to have

in

settlement before dismission.

in Their Majesties' service, shall have any settlement in any parish, port town, or other town, by delivery and publication of a notice in writing as aforesaid, unless the same be after the dismission of such person out of Their Majesties' service.

Penalty upon churchwardens refusing to read or register.

V. And be it further enacted, That if any churchwarden or overseer of the poor shall refuse or neglect to read, or cause to be read, such notice in writing as aforesaid, in such manner, place, and time as aforesaid, he or they for every such offence (upon proof thereof by two credible witnesses upon oath, before any justice of the peace of the same county, riding, or division, city, or town corporate, where complaint thereof shall be made) shall forfeit the sum of forty shillings to the use of the party grieved, to be levied by distress and sale of the offender or offenders' goods, by warrant under the hand and seal of any justice of the peace within the said jurisdiction respectively, to the constable of the parish or town where such offender or offenders dwell, the overplus, if any be, to be returned to the owner or owners, and for want of such sufficient distress, the said justice shall commit him or them to the common gaol of the said county, city, or town corporate, there to remain without bail or mainprize for the space of one month; and if any churchwarden or overseer of the poor shall refuse or neglect to register, or cause to be registered, such notice in writing as aforesaid, he or they so offending, upon the like conviction, shall forfeit the sum of forty shillings to the use of the poor of the parish or town where such offender or offenders dwell, to be levied as aforesaid, the overplus, if any be, to be returned to the owner or owners, and for want of such sufficient distress, then the said justice shall commit such offender or offenders as aforesaid, for the time aforesaid.

Serving as officer, or paying parish duties, a settlement.

VI. Provided always, and be it enacted, That if any person, who shall come to inhabit in any town or parish, shall for himself and on his own account execute any public annual office or charge in the said town or parish, during one whole year, or shall be charged with and pay his share towards the public taxes or levies of the said town or parish, then he shall be adjudged and deemed to have a legal settlement in the same, though no such notice in writing be delivered and published, as is hereby before required.

Service for a year, of person without wife or child, a settlement.

VII. And it is hereby further enacted, That if any unmarried person, not having child or children, shall be lawfully hired into any parish or town for one year, such service shall be adjudged and deemed a good settlement therein, though no such notice in writing be delivered and published, as is herein before required.

Apprenticeship a settlement.

VIII. And it is hereby further enacted, That if any person shall be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement, though no such notice in writing be delivered and published as aforesaid.

Appeal from justice of peace to quarter sessions, whose order shall be final.

IX. Provided always, and be it hereby enacted, That if any person or persons shall find him, her, or themselves aggrieved by any determination, which any justice or justices of the peace shall make in any of the cases abovesaid, the said person or persons shall have liberty to appeal to the next general quarter sessions of the peace, to be held for the said county, riding, or division, city, or town corporate, who upon full hearing of the said appeal shall have full power finally to determine the same.

Churchwarden must receive a person removed by warrrant of two justices of peace, upon 5*l.* penalty.

X. And be it further enacted, That if any person be removed by virtue of this act from one county, riding, city, town corporate, or liberty to another, by warrant under the hands and seals of two justices of the peace, the churchwardens or overseers of the poor of the said parish or town, to which the said person shall be so removed, are hereby required to receive the said person, and if he or they shall refuse so to do, he or they so refusing or neglecting (upon proof thereof by two credible witnesses upon oath before any justice of the peace of the county, riding, city, or town corporate, to which the said person shall be so removed) shall forfeit for each offence the sum of five pounds, to the use of the poor of the parish or town from which the said person was removed, to be levied by distress and sale of the offender or offenders' goods, by warrant under the hand and seal of any justice of the peace of the county, riding, city, or town corporate, to which such person was removed, to the constable of the parish or town where such offender or offenders dwell; which warrant the said justice is hereby impowered and required to make; the overplus, if any be, to be returned to the owner or owners; and for want of such sufficient distress, then the said justice shall commit the

the said offender or offenders to the common gaol of the said county, riding, city, or town corporate, or liberty, there to remain without bail or mainprize for the space of forty days. Provided always, and be it hereby enacted, That all such persons who think themselves aggrieved with any such judgment of the said two justices may appeal to the next general quarter sessions of the peace to be held for the county, riding, city, town corporate, or liberty, from which the said person was so removed.

Persons aggrieved by such removal may appeal to sessions.

XI. "And whereas many inconveniences do daily arise in cities, towns corporate, and parishes, where the inhabitants are very numerous, by reason of the unlimited power of the churchwardens and overseers of the poor, who do frequently, upon frivolous pretences (but chiefly for their own private ends), give relief to what persons and number they think fit; and such persons, being entered into the collection bill, do become after that a great charge to the parish, notwithstanding the occasion or pretence of their receiving collection oftentimes ceases, by which means the rates of the poor are daily increased, contrary to the true intent of a statute made in the forty-third year of the reign of Her Majesty Queen *Elizabeth*, intituled, "An Act for the relief of the poor:" for remedying of which, and preventing the like abuses for the future, be it further enacted, That from and after the first day of *March*, there shall be provided and kept in every parish (at the charge of the same parish), a book or books, wherein the names of all such persons who do or may receive collection shall be registered, with the day and year when they were first admitted to have relief, and the occasion which brought them under that necessity: and that yearly in *Easter* week (or as often as it shall be thought convenient) the parishioners of every parish shall meet in their vestry, or other usual place of meeting in the same parish, before whom the said book shall be produced, and all persons receiving collection to be called over, and the reasons of their taking relief examined, and a new list made and entered, of such persons as they shall think fit and allow to receive collection, and that no other person be allowed to have or receive collection at the charge of the said parish, but by authority under the hand of one justice of peace residing within such parish, or (if none be there dwelling) in the parts near or next adjoining, or by order of the

43 El. c. 2.

A register to be kept of the admittances of the poor.

Parishioners yearly in Easter week shall make a list of their poor.

None but those in the list to receive alms, except by order of justice of peace, &c.

the justices in their respective quarter sessions, except in cases of pestilential diseases, plague, or small-pox, for and in respect of such families only as are or shall be therewith infected.

Farther provisions relating hereto, 9 Geo. I. c. 7. s. 1.

XII. "And whereas many churchwardens and overseers of the poor, and other persons intrusted to receive collections for the poor, and other public monies relating to the churches and parishes whereunto they do belong, do often mispend the said monies, and take the same to their own use, to the great prejudice of such parishes, and the poor and other inhabitants thereof; and because that many times the judges, when actions are brought against such churchwardens and overseers to recover the monies so mispent, taken, or misapplied by the persons aforesaid, refuse to admit the parishioners to be witnesses in such cases, who are the only persons that can make proof thereof:" wherefore, to prevent all such evil and deceitful practices of churchwardens and overseers, and other persons, be it enacted and declared, That in all actions to be brought in their Majesty's courts of record at *Westminster*, or at the assizes, for the recovery of any sum or sums of money so mispent or taken by churchwardens or overseers of the poor, the evidence of the parishioners, or any of them, other than of such as receive alms, or any pension or gift out of such collections or public monies of such parish or parishes respectively, whereof the defendant or defendants is or are inhabitant or inhabitants, shall be taken and admitted in all such cases in the courts aforesaid; any custom, rule, order, or usage to the contrary notwithstanding.

Parishioners except alms men, may be evidence against churchwardens, &c. of their mispending the poor's money.

[8 & 9 Will. Cap. 30.]

An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom.

"FORASMUCH as many poor persons chargeable to the parish, township, or place where they live, merely for want of work, would in any other place where sufficient employment is to be had, maintain themselves and families, without

That this stat. ought to be pleaded as of the 8th year of the King, when

the session began. v. *Ld. Fortesc. Rp.* 372.

out being burthensome to any parish, township, or place, but not being able to give such security as will or may be expected and required upon their coming to settle themselves in any other place; and the certificates that have been usually given in such cases having been oftentimes construed into a notice in handwriting, they are for the most part confined to live in their own parishes, townships, or places, and not permitted to inhabit elsewhere, though their labour is wanted in many other places, where the increase of manufactures would employ more hands:" Be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, That if any person or persons whatsoever, that from and after the first day of *May*, which shall be in the year of our Lord one thousand six hundred ninety-seven, shall come into any parish or other place there to inhabit and reside, shall at the same time procure, bring, and deliver to the churchwardens or overseers of the poor of the parish or place where any such person shall come to inhabit, or to any or either of them, a certificate under the hands and seals of the churchwardens and overseers of the poor of any other parish, township, or place, or the major part of them, or under the hands and seals of the overseers of the poor of any other place where there are no churchwardens, to be attested respectively by two or more credible witnesses, thereby owning and acknowledging the person or persons mentioned in the said certificate to be an inhabitant or inhabitants legally settled in that parish, township, or place, every such certificate, having been allowed of and subscribed by two or more of the justices of the peace of the county, city, liberty, borough, or town corporate, wherein the parish or place, from whence any such certificate shall come, doth lie, shall oblige the said parish or place to receive and provide for the person mentioned in the said certificate, together with his or her family, as inhabitants of that parish, whenever he, she, or they shall happen to become chargeable to, or be forced to ask relief of the parish, township, or place to which such certificate was given; and then, and not before, it shall and may be lawful for any such person, and his or her children, though born in that parish, not having otherwise acquired a legal settlement there, to be removed, conveyed, and settled, in the parish or place from whence such certificate was brought.

Persons coming to inhabit in any parish or place, and bringing with them a certificate under the churchwardens' hands, &c. owning them to be inhabitants of such other parish, &c. the said other parish to provide for them whenever they ask relief of the parish to which such certificate was given. *Explained by* 9 & 10 *W.* III. *c.* 11 *and* 12 *Annæ, stat.* 1. *c.* 18. *s.* 2. Such witness to swear to the execution of certificates, &c. 3 Geo. II. *c.* 29. *s.* 8. And shall not be removed hence.

II. And

II. And to the end that the money raised only for the relief of such as are as well impotent as poor, may not be misapplied and consumed by the idle, sturdy, and disorderly beggars; Be it further enacted by the authority aforesaid, That every such person as from and after the first day of *September*, one thousand six hundred ninety-seven, shall be upon the collection, and receive relief of any parish or place, and the wife and children of any such person cohabiting in the same house (such child only excepted, as shall be by the churchwardens and overseers of the poor permitted to live at home, in order to have the care of and attend an impotent and helpless parent) shall, upon the shoulder of the right sleeve of the uppermost garment of every such person, in an open and visible manner, wear such badge or mark as is hereinafter mentioned and expressed, that is to say, a large Roman P. together with the first letter of the name of the parish or place whereof such poor person is an inhabitant, cut either in red or blue cloth, as by the churchwardens and overseers of the poor it shall be directed and appointed; and if any such poor person shall at any time neglect or refuse to wear such badge or mark as aforesaid, and in manner as aforesaid, it shall and may be lawful for any justice of the peace of the county, city, liberty, or town corporate, where any such offence shall be committed, upon complaint to him for that purpose to be made, to punish every such offender for every such offence, either by ordering of his or her relief or usual allowance on the collection to be abridged, suspended or withdrawn, or otherwise by committing of any such offender to the house of correction, there to be whipt and kept to hard labour, for any number of days not exceeding one-and-twenty, as to the said justice in his discretion it shall seem most meet; and if any such churchwarden or overseer of the poor, from and after the said first day of *September*, shall relieve any such poor person not having and wearing such badge or mark as aforesaid, being thereof convicted, upon the oath of one or more credible witness or witnesses, before any justice of the peace of the county, city, liberty, or town corporate, where any such offence shall be committed, shall forfeit for every such offence the sum of twenty shillings, to be levied by distress and sale of the goods of every such offender, by warrant under the hand and seal of any such justice, one moiety thereof to be to the

Persons receiving alms to wear a badge on the shoulder of the right sleeve.

Penalty on refusing to wear the badge.

Penalty on churchwarden, &c. relieving poor persons not wearing such badge.

use of the informer, and the other to the poor of the parish where the offence shall be committed.

Justices, on appeal to them concerning the settlement of any poor person, to award costs.

III. And for the more effectual preventing of vexatious removals and frivolous appeals, Be it further enacted by the authority aforesaid, That the justices of the peace of any county or riding, in their general or quarter sessions of the peace, upon any appeal before them there to be had, for and concerning the settlement of any poor person, or upon any proof before them there to be made, of notice of any such appeal to have been given by the proper officer to the churchwardens or overseers of the poor of any parish or place (though they did not afterwards prosecute such appeal) shall, at the same quarter sessions, award and order to the party for whom and in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given, as aforesaid, such costs and charges in the law, as by the said justices in their discretion shall be thought most reasonable and just, to be paid by the churchwardens, overseers of the poor, or any other person, against whom such appeal shall be determined, or by the person that did give such notice, as aforesaid; and if the person ordered to pay such costs shall happen to live in any county, riding, city, or town corporate, or elsewhere, out of the jurisdiction of the said court, it shall and may be lawful for any justice of the peace of the county, riding, city, liberty, or town corporate, wherein such person shall inhabit, and every such justice is hereby required, upon request to him for that purpose to be made, and a true copy of the order for the payment of such costs produced, and proved by some credible witness upon oath, by warrant under his hand and seal, to cause the money mentioned in that order to be levied by distress and sale of the goods of the person that is ordered and ought to pay the same; and if no such distress can or may be had, to commit such person to the common gaol of that county or liberty, there to remain by the space of twenty days.

Person ordered to pay costs living out of the jurisdiction, justice of the county, &c. where such person inhabits, may cause the money to be levied;

if no distress, offender to be committed to gaol.

IV. "And whereas some doubts have arisen touching the settlement of unmarried persons not having child or children, lawfully hired into any parish or town for one year;" Be it therefore enacted and declared by the authority aforesaid, That no such person so hired as aforesaid, shall be adjudged or deemed to have a good settlement in any such parish or township,

Single persons not deemed to have a good settlement in any parish under one year's continuance.

township, unless such person shall continue and abide in the same service during the space of one whole year.

V. "And whereas by an act made in the three-and-fortieth year of the reign of Queen *Elizabeth*, intitled *An act for the relief of the poor*, it is amongst other things enacted, That it shall be lawful for the churchwardens and overseers of the poor of any parish, or the greater part of them, by the assent of two justices of the peace, whereof one to be of the *quorum*, to bind poor children apprentices, where they shall see convenient; but there being doubts whether the persons to whom such children are to be bound, are compellable to receive such children as apprentices, that law hath failed of its due execution;" Be it therefore enacted and declared by the authority aforesaid, That where any poor children shall be appointed to be bound apprentices pursuant to the said act, the person or persons to whom they are so appointed to be bound, shall receive and provide for them, according to the indenture signed and confirmed by the two justices of the peace, and also execute the other part of the said indentures; and if he or she shall refuse so to do, oath being thereof made by one of the churchwardens or overseers of the poor, before any two of the justices of the peace for that county, liberty, or riding, he or she for every such offence, shall forfeit the sum of ten pounds, to be levied by distress and sale of the goods of any such offender, by warrant under the hands and seals of the said justices, the same to be applied to the use of the poor of that parish or place where such offence was committed; saving always to the person, to whom any poor child shall be appointed to be bound an apprentice, as aforesaid, if he or she shall think themselves aggrieved thereby, his or her appeal to the next general or quarter sessions of the peace for that county or riding, whose order therein shall be final, and conclude all parties.

3 Eliz c.2.

Poor children bound apprentices pursuant to the act 43 Eliz. c.2. those to whom they are bound to provide for them according to the indenture signed by the justices, &c.

Penalty on offender.

Persons to whom poor children are bound, being aggrieved, may appeal to the justices.

VI. And be it further enacted by the authority aforesaid, That from and after the first day of *May*, one thousand six hundred ninety-seven, the appeal against any order for the removal of any poor person from out of any parish, township, or place, shall be had, prosecuted and determined, at the general or quarter sessions of the peace for the county, division, or riding, wherein the parish, township, or place from whence such poor person shall be removed doth lie, and not elsewhere,

Appeal against any order for removal of poor person to be determined at the quarter-sessions.

any former law or statute to the contrary thereof in any wise notwithstanding.

This act not to make void churchwardens, &c. Promise to take back any person in case of poverty; nor to hinder justices of the peace at St. Alban's from hearing appeals for settling their poor. By 9. G. I. c. 7. s. 7. *The like provision is made for the Borough of St.* Peter *and hundred of* Nassau Borough *in* Northamptonshire.

VII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to make void any promise or engagement already made by the churchwardens or overseers of the poor of any parish, township, or place, to receive and take back any persons, in case they should become poor, or want relief.

VIII. Provided that this act, nor any thing therein contained, shall be construed to hinder the justices of the peace within the liberty of Saint *Alban's*, from hearing and determining any appeals for the settlement of the poor in their quarter sessions, as they might have done before the making of this act; any thing therein contained to the contrary in any wise notwithstanding.

[9 & 10 Will. III. Cap. 11.]

An Act for explaining an Act made the last Session of Parliament, intituled "An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom."

8 & 9 W. III. c. 30.

"WHEREAS in and by a certain act made in the last session of this present parliament, intituled, *An act for supplying some defects in the laws for the relief of the poor of this kingdom*, it was amongst other things therein contained, enacted, That if any person or persons whatsoever, that from and after the first day of *May*, in the year of our Lord one thousand six hundred ninety-seven, shall come into any parish or other place, there to inhabit and reside, should at the same time procure, bring, and deliver to the churchwardens, or overseers of the poor of the parish or place where any such person should come to inhabit, or to any or either of them, a certificate under the hands and seals of the churchwardens and overseers of the poor of any other parish, township, or place, or the major part of them, or under the

hands and seals of the overseers of the poor of any other place where there are no churchwardens, to be attested respectively by two or more credible witnesses, thereby owning and acknowledging the person or persons, mentioned in the said certificate, to be an inhabitant or inhabitants legally settled in that parish, township, or place; every such certificate, having been allowed of and subscribed by two or more of the justices of the peace of the county, city, liberty, borough, or town corporate, wherein the parish or place from whence any such certificate shall come doth lie, shall oblige the said parish or place to receive and provide for the person mentioned in the certificate, with his or her family, as inhabitants of that parish, whenever he, she, or they shall happen to become chargeable to, or be forced to ask relief of, the parish, township, or place, to which such certificate was given; and that then, and not before, it should and might be lawful for any such person, and his or her children, though born in that parish, not having otherwise acquired a legal settlement there, to be removed, conveyed, and settled in the parish or place from whence such certificate was brought: And whereas some doubts have arisen upon construction of the said act, by what acts any person coming to inhabit or reside within any parish, by virtue of any such certificate, as aforesaid, may procure a legal settlement in such parish, and whether such certificate did not amount to a notice in writing, in order to gain a settlement:" for explaining thereof and of the said act, be it therefore enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person or persons whatsoever, who shall come into any parish, by any such certificate as aforesaid, shall be adjudged by any act whatsoever to have procured a legal settlement in such parish, unless he or they shall really and *bona fide* take a lease of a tenement of the value of ten pounds, or shall execute some annual office in such parish, being legally placed in such office.

No person adjudged to have a legal settlement in any parish, unless he lease a tenement of 10l. per ann. or execute some parish office.

[2 & 3 Annæ, Cap. 6.]

An Act for the Increase of Seamen, and better Encouragement of Navigation, and Security of the Coal Trade.

"WHEREAS the giving due encouragement to such of the youth of this kingdom, as shall voluntarily betake themselves to the sea service, and practice of navigation, and obliging others, who, by reason of their own or their parents' poverty, are destitute of employment, or any lawful means whereby to maintain themselves, may greatly tend to the increase of able and experienced mariners and seamen, for the service of Her Majesty's royal navy, and for the carrying on the trade and commerce of this kingdom;" Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five-and-twentieth day of *March*, in the year of our Lord one thousand seven hundred and four, it shall and may be lawful to and for two or more justices of the peace, in their several and respective counties, ridings, or divisions, as also to and for all mayors, aldermen, bailiffs, and other chief officers and magistrates of any city, borough, or town corporate, within Her Majesty's kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, and likewise to and for the churchwardens and overseers of the poor (for the time being) of the several and respective parishes within the places aforesaid, by and with the consent and approbation of such justices of the peace, mayors, aldermen, bailiffs, or other the chief officers or magistrates aforesaid, to bind and put out any boy or boys, who is, are, or shall be of the age of ten years, or upwards, or who is, are, or shall be chargeable, or whose parents are or shall become chargeable to the respective parish or parishes wherein they inhabit, or who shall beg for alms, to be apprentice and apprentices to the sea service, to any of Her Majesty's subjects, being masters or owners of any ship or vessel used in sea service, and belonging to any port or ports within the kingdom of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed* aforesaid, for so long time, and until

Parish boys may be put out apprentices to the sea service,

to masters of ships, &c.

such boys shall respectively attain or come to the age of one-and-twenty years; and such binding out any such apprentice shall be as effectual in the law, to all intents and purposes, as if such boy were of full age, and by indenture had bound himself an apprentice: and to the end that the time of the continuance of the service of such apprentice or apprentices may the more plainly and certainly appear, the age of every such boy, so to be bound apprentice, shall be mentioned and inserted in his indentures, being taken truly from a copy of the entry in the register book, wherein the time of his being baptized is or shall be entered (where the same can or may be had) which copy shall be given and attested by the minister, vicar, or curate of such parish or parishes, wherein such boy's baptism shall be registered, without fee or reward, and may be writ upon paper or parchment, without any stamp or mark; and where no such entry of such boy's being baptized can be found, two or more of such justices of the peace, and such mayors, aldermen, bailiffs or other chief officers shall, as fully as they can, inform themselves of such boy's age, and from such information shall insert the same in the said indentures; and the age of such boy so inserted and mentioned in the said indentures (in relation to the continuance of his service) shall be taken to be his true age, without any further proof thereof.

Boy's age to be inserted in his indenture, &c.

II. And be it further enacted by the authority aforesaid, That the churchwardens and overseers of the poor for the time being, of the several and respective parishes, from whence any such boy shall be bound apprentice to the said service, as aforesaid, shall pay down to such master, to whom the boy is bound, at the time of his binding, the sum of fifty shillings, to provide necessary clothing and bedding for sea service, for such boy; and the charges by this act appointed shall be allowed to the said churchwardens and overseers on their accounts.

Churchwardens to pay down 50s. for boy's necessary clothing, &c. and be allowed the same in their accounts.

III. "And whereas in many large parishes within this realm, there are several townships or villages, and overseers of the poor are chosen and appointed within and for each such township or village respectively;" Be it therefore enacted, That the overseers of the poor of every such township or village shall and may, from time to time, within every such township or village, do, perform, and execute all and every the acts, powers, and authorities hereby enacted or

Overseers of the poor of any township or village may act as churchwardens.

or directed to be done, performed, or executed by the churchwardens or overseers of the poor of a parish; any thing herein contained to the contrary in any wise notwithstanding.

No such apprentice to be impressed, &c. until 18 years old.

IV. And be it further enacted by the authority aforesaid, That no such apprentice or apprentices shall be compelled, or impressed, or permitted or suffered to list or enter him or themselves into Her Majesty's service at sea, or into the sea service of Her Majesty's heirs or successors, till such apprentice or apprentices respectively arrive to the age of eighteen years.

Apprentice's indentures to be sent to the collector at the port whereunto his master belongs. Collector to enter the same gratis, &c.

V. And be it further enacted, That the churchwardens and overseers of the parish, out of which any such boy shall be bound an apprentice, shall send the said indentures to the collector of Her Majesty's customs, residing at or belonging to any port or ports within this kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, whereunto such masters or owners of ships or vessels, to whom such apprentice or apprentices shall be bound, do or may belong; who shall, in a fair book or books to be by him kept for that purpose, from time to time, fairly enter all and every indenture and indentures, whereby such apprentice and apprentices shall be bound, and which shall be so sent unto him, and shall make an indorsement upon the said indentures of the registry thereof, subscribed by the said collector, without taking any fee or other reward for the same: and every such collector neglecting or refusing to enter such indentures, and indorse the same, or making false entries, shall forfeit the sum of five pounds for the use of the poor of the parish, from whence such boy was bound apprentice; and all and every such collector or collectors, or his or their lawful deputy or deputies, of the said several and respective ports, shall from time to time transmit certificates in writing, under his or their hands, to the lord high admiral of *England*, or to the commissioners of the admiralty for the time being, containing the names and ages of every such apprentice respectively, and to what ship he belongs; and upon receipt of such certificates, protections shall, from time to time, be made and given for such apprentices, till they attain their several and respective ages of eighteen years, without any fee or reward to be taken for the same; which certificates, so as aforesaid to be given, are not required to be writ upon stampt paper or parchment.

Penalty on collector neglecting.

Lord admiral to grant protections for such apprentices, gratis.

VI. And

VI. And be it further enacted by the authority aforesaid, That all and every the person and persons, to whom any poor parish boy hath been, or hereafter shall be, put apprentice, according to the statute made in the forty-third year of the reign of Queen *Elizabeth*, may, with the consent and approbation of two or more justices of the peace of the same county, and dwelling in or near the same parish where such poor boy was bound apprentice, or by and with the consent and approbation of any mayor, alderman, bailiff, or other chief officer or magistrate of any city, borough, or town corporate, where such poor boy was bound apprentice, at the request of the master or mistress, then living, of such apprentices, or his or their executors, administrators, or assigns, by indenture, assign and turn over such poor boy apprentice to any master or owner of any such ship or vessel, using the sea service, as aforesaid, for and during the then remaining time of his apprenticeship; which assignment and assignments of such apprentices, so as aforesaid, shall be, and are hereby declared to be good and effectual in the law; all which indentures of assignment are hereby directed to be registered, and certificates thereof given and transmitted by such collector, at the said several ports where such parish apprentices shall be so assigned over, and bound to the sea service, in manner and form aforesaid; and upon receipt of such certificates, protections shall, from time to time, be made and given for such apprentices (so to be assigned over as aforesaid) till they shall attain their several and respective ages of eighteen years, without fee or reward for the same, in like manner as aforesaid.

43 Eliz. c. 2.

Parish boys bound apprentices, may be turned over to the sea-service.

Indentures of assignment to be registered. Altered by 4 Annæ, c. 19. s. 16.

VII. And be it further enacted by the authority aforesaid, That all and singular such poor boys as are hereinbefore mentioned, or intended by this present act to be bound and put out, and such as shall be assigned over to the sea service as aforesaid, during their several and respective apprenticeships, till such time as they shall attain their several and respective ages of eighteen years, shall be, and are hereby declared to be exempted, freed, and discharged of and from payment of sixpence *per* month towards the better supporting of *Greenwich* hospital, the act of parliament made in the seventh and eighth years of the reign of the late King *William* the Third (of glorious memory) intituled, *An act for the increase and encouragement of seamen*, or any clause in

All such apprentices until 18 years old exempted from the 6d. per month to *Greenwich* hospital See 2 Geo. II. c. 7. s. 36. 7 & 8 W. III. c. 21.

in the same act contained to the contrary hereof in any wise notwithstanding.

Masters of ships, &c. obliged to take such apprentices.

VIII. " And for the better providing such apprentices with masters for the said service:" Be it further enacted by the authority aforesaid, That all and every of Her Majesty's subjects, being masters or owners of any ship or ships, vessel or vessels, used in the sea service as aforesaid, of the burthen of thirty ton to the burthen of fifty ton, be obliged to take one such apprentice, and one more for the next fifty ton, and one more for each and every hundred ton, such ship or vessel shall exceed the burthen of one hundred ton: and such master or owner of any ship or vessel refusing to take such apprentice or apprentices as aforesaid, shall forfeit the sum of ten pounds for the use of the poor of the parish from whence such boy was bound apprentice.

By 4 Annæ c. 19. s. 16. *no master shall be bound to take a boy under* 13 *years of age*, &c.

And to give an account of their names, &c.

IX. And be it further enacted, That every master or owner of such ship or ships, vessel or vessels, so obliged to take such apprentice or apprentices, after his arrival into any port or ports aforesaid, and before he clears out of such port, shall give an account in writing, under his hand, to the collector of such port to which he belongs, containing the names and number of such apprentices as are then remaining in his service.

How apprentices shall be conveyed to the ports to which their masters belong.

X. " And for the better conveying and conducting all and every such apprentice and apprentices, so to be bound as aforesaid, to his and their respective master and masters:" Be it further enacted by the authority aforesaid, That all and every such apprentice and apprentices shall, from time to time, be severally and respectively sent, conducted, and conveyed to the several and respective ports, to which his or their master shall respectively belong, by the churchwardens and overseers of the poor, or their agents, of the parish from whence such apprentice is bound, and the charges thereof to be in the same manner, as is provided by an act of parliament made in the eleventh and twelfth years of the reign of his said late majesty King *William* the Third, intituled " An act for the more effectual punishment of vagrants, and sending them whither by law they ought to be sent."

11 & 12 W. III. c. 18.

The counterparts of their indentures to be

XI. And it is hereby directed, That the counterpart of all and every such indentures, to be executed by the several and respective masters of all such apprentices, shall be sealed

sealed and executed in the presence of, and attested by, the collector at the port aforesaid (where such apprentices shall be bound or assigned over), and the constable or other officer, who shall bring or convey such apprentices to the said several and respective masters; which constables or officers last mentioned shall transmit and convey the counterparts of such indentures to the churchwardens and overseers of the several parishes from whence such apprentices shall be bound, by the same ways and means as such apprentice or apprentices were conveyed to the said several and respective ports.

transmitted to the churchwardens, &c.

XII. And be it further enacted by the authority aforesaid, That two or more justices of the peace of the respective counties, and dwelling in or near any of the ports aforesaid, and all mayors, aldermen, bailiffs, and other chief officers and magistrates of any city, borough, or town corporate, in or near adjoining to such port or ports, to which such ship or vessel shall at any time arrive, shall have full power and authority, and are hereby authorized and impowered to inquire into and examine, hear, and determine all complaints of hard or ill usage from the several and respective masters, to such their apprentice and apprentices, so to be bound or assigned over, as aforesaid, and also of all such as already have, or who shall at any time hereafter voluntarily put themselves apprentices to the sea service, as aforesaid, and to make such orders therein, as now they are enabled by law to do in other cases between masters and apprentices.

Justices to determine complaints between masters and apprentices.

XIII. And be it further enacted by the authority aforesaid, That every such collector in every port or ports aforesaid, shall, in their several and respective stations, keep an exact register, containing as well the number and burthen of all such ships and vessels, together with the master's or owners' names, as also the names of such apprentices in each ship and vessel belonging to their respective ports, and from what parishes and places such apprentices were respectively sent; and that such collectors shall transmit true copies of such register, signed by them, to the quarter sessions, or to such cities, boroughs, towns corporate, parishes, or places, when and so often as they shall be reasonably required so to do; for which copy or copies, so to be transmitted as aforesaid, no fee or reward shall be taken: and that every such collector refusing or wilfully neglecting to transmit such copies,

Collector to keep a register, &c.

and transmit a copy thereof to the quarter sessions, &c. gratis.

as

as aforesaid, shall, for every such refusal or neglect, forfeit five pounds, for the use of the poor of the parish from whence such boy was bound apprentice.

Penalty.

XIV. And be it further enacted, That every custom-house officer or officers, at each and every of the ports aforesaid, shall insert, and are hereby required, from time to time, to insert at the bottom of their cocquets, the number of men and boys on board the respective ships or vessels, at their going out of every such port, therein particularly describing the apprentices by their respective names, ages, and the dates of their several indentures, for which no fee or reward shall be taken.

Officer to insert on the cocquet, the number of men and boys on board, &c.

XV. "And for the encouragement of such as have or shall voluntarily bind themselves apprentices to the sea service:" Be it further enacted by the authority aforesaid, That all and every such person and persons, who have or shall so voluntarily, and of his or their own accord, bind or put him or themselves apprentice to any such masters or owners of any ship or vessel as aforesaid, shall not be compelled or imprest into Her Majesty's sea service, or the sea service of Her Majesty's heirs or successors, for and during the term of three years, to be accounted from the dates of the respective indentures of such voluntary apprentice or apprentices; all which indentures are hereby directed to be registered, and certificates thereof given and transmitted by such collector at the said several ports, where such apprentices already have become so bound, or that hereafter shall so bind themselves, in manner and form as aforesaid; upon receipt of which said several certificates, protections shall, from time to time, be made and given for the said first three years of their several respective apprenticeships, without either fee or reward for the same.

Persons voluntarily binding themselves apprentices to sea service, not to be impressed for 3 years. Explained by 4 Annæ, c. 19. s. 17.

Indentures to be registered, and protections given for the said 3 years.

XVI. "And forasmuch as divers dissolute and idle persons, rogues, vagabonds, and sturdy beggars, notwithstanding the many good and wholesome laws to the contrary, do continue to wander up and down, pilfering and begging through all parts of this kingdom, to the great disturbance of the peace and tranquillity of the realm; for the more effectually suppressing such disorderly persons, and to the end that they may be made serviceable and beneficial to their country:" Be it further enacted by the authority aforesaid, That all lewd and disorderly men servants, and every such person and

All lewd and disorderly men and

and persons, both men and boys, that are deemed and adjudged rogues, vagabonds, and sturdy beggars, (not being felons) by an act of parliament made in the nine-and-thirtieth year of the reign of the said late Queen *Elizabeth*, for punishing of rogues, vagabonds, and sturdy beggars, shall be, and are hereby directed to be taken up, sent, conducted, and conveyed into Her Majesty's service at sea, or the service at sea of Her Majesty's heirs or successors, by such ways, methods, and means, and in such manner and form, as is directed for vagrants by the said before-mentioned act of parliament, made in the said eleventh and twelfth years of the reign of the said late King *William* the Third, *For the more effectual punishment of vagrants, and sending them whither by law they ought to be sent.*

boys, deemed vagabonds or sturdy beggars, by 39 Eliz. c. 4. to be taken up and conveyed into the Queen's sea service.

11 & 12 W. III. c. 18.

XVII. " And whereas owners and masters of merchant ships are at great charge in educating and bringing up the parish children, till they come to the age of eighteen years, and other voluntary apprentices three years, at which time they are capable to serve in Her Majesty's ships of war :" Be it enacted by the authority aforesaid, when such apprentices shall be impressed, or voluntarily enter themselves into Her Majesty's service, the said owners or masters of such apprentices, their executors, administrators, or assigns, shall be intitled to able seamen's wages for such of their apprentices, as shall upon due examination be found qualified for the same, notwithstanding their indentures of apprenticeship.

When such apprentices shall be impressed, masters to have able seamen's wages for them.

XVIII. And be it further enacted by the authority aforesaid, That all the penalties and forfeitures directed by this act, shall, by warrant under the hands and seals of any two or more justices of the peace, of the same county, city, borough, or town corporate, be levied by distress and sale of the goods and chattels of the offender, which sale shall be good in the law against such offender.

Penalties and forfeitures, how to be levied.

XIX. " And whereas upon the act of parliament, before mentioned, made in the seventh and eight years of the reign of the said late King *William* the Third, intituled, *An act for the increase and encouragement of seamen ;* as also upon the act of parliament made in the eighth and ninth years of the reign of the said late King *William* the Third, intituled, *An act to inforce the act for encouragement of seamen*, several doubts have arose whether any disabled seamen, their children,

7 & 8 W. III. c. 21.

8 & 9 W. III. c. 23.

dren, or the widows and children of seamen slain, killed, or drowned in sea service, other than such as are expressly qualified by the said last-mentioned acts, may be admitted and provided for in *Greenwich* hospital, when any vacancies happen therein:" Be it therefore enacted, for the encouragement of all persons who do or shall serve at sea, That at any time hereafter, when any such vacancy or vacancies shall happen in the said hospital, that the lord high admiral of *England*, or commissioners executing the office of lord high admiral of *England* for the time being, shall have full power and authority, and is and are hereby impowered and authorized, from time to time, to nominate and appoint any disabled seaman, their wives and children, and the widows and children of seamen slain, killed, or drowned in sea service, to be maintained and provided for in the said hospital, as the said lord high admiral, or commissioners executing the office of lord high admiral, shall think fit or see occasion; any thing in the said two several acts of parliament last-mentioned, or in the letters patents in the said acts mentioned, contained to the contrary hereof in anywise notwithstanding.

Lord admiral to appoint any disabled seamen, their wives and children, &c. to be maintained in *Greenwich* hospital.

XX. "And for the encouraging all such ships or vessels as shall be employed in bringing coals for supplying the city of *London*, and other ports of this kingdom, at more reasonable rates than during this war they have hitherto been:" Be it enacted by the authority aforesaid, That from and after the five-and-twentieth day of *March*, one thousand seven hundred and four, there shall be allowed yearly, during the present war, free from impressing, to every master of any ship or vessel employed in the coal trade, beside the said master and master's mate, and carpenter, one able seaman for every hundred ton in burthen, not exceeding three hundred tons, that such ship or vessel contains, which shall be made appear by a certificate from the custom-house, of what number of tons such ship or vessel is really of, according to the gages or measures mentioned in an act passed in the fifth and sixth year of Their late Majesties King *William* and Queen *Mary*, *For laying a duty on tonnage of shipping*; and if any captain, lieutenant, or other officer, shall presume to impress or take any of the men allowed by this act, as aforesaid, such captain, lieutenant, or other officer, shall forfeit to the master or owner of such ship

Allowances of men free from impressing employed in the coal trade.

5 & 6 W. & M. c. 20.

Penalty on officer impressing men so allowed.

ship or vessel, ten pounds for every man he shall so impress or take, to be recovered with costs of suit, by action of debt, bill, plaint, or information, in any of Her Majesty's courts of record, wherein no essoign, protection, privilege, injunction, or order of restraint shall be iny wise granted or allowed.

[4 Annæ, Cap. 19.]

An Act for the Encouragement and Increase of Seamen, and for the better and speedier Manning Her Majesty's Fleet.

XVI. "AND whereas by an act made in the second year of Her Majesty's reign, intituled, *An act for the encrease of seamen, and better encouragement of navigation, and the security of the coal-trade*, provision is made for putting out of parish children apprentices to masters of trading ships and vessels at the age of ten years:" It is hereby enacted, That no such master shall be obliged to take any such apprentice under the age of thirteen years, or who shall not appear to be fitly qualified both as to health and strength of body for that service; and any widow of the master of such ship or vessel, or the executor or administrator of such master, who shall have been obliged to take such parish boys apprentice to them, shall have the same power of assigning over such apprentices to any other masters of ships or vessels, who have not their complement of apprentices required by the said recited act, to be entertained by them, as is given by the said act to such persons as have taken children apprentices, in pursuance of the statute made in the forty-third year of Queen *Elizabeth*.

2 & 3 Annæ cap. 6.

No master of ship to take apprentice under thirteen years old.

43 Eliz. c. 2.

XVII. "And whereas all such persons, who in pursuance of the said act, have voluntarily bound, or hereafter shall so bind themselves apprentices to such masters or owners, as therein is expressed, are exempted from Her Majesty's service for the term of three years, from the date of their respective indentures: and whereas such exemptions from Her Majesty's sea service for the term of three years, which

was intended for the encouragement of landmen, to bind themselves apprentices to the sea service, hath been manifestly abused for the exempting and protecting of seamen from the said service, who having bound themselves apprentices, have claimed such exemption, and demanded protections accordingly, to the great hindrance and prejudice of Her Majesty's sea service:" Be it therefore further enacted and declared, That no person or persons of the age of eighteen years, shall have any exemption or protection from Her Majesty's sea service, who shall have been in any sea service before the time they bound themselves apprentices; any law or statute to the contrary thereof in any wise notwithstanding.

No apprentices to sea service of eighteen years old, exempt from the Queen's service at sea.

[8 Annæ, Cap. 9. Sects. 32 to 45.]

An Act for laying certain Duties upon Candles, and certain Rates upon Monies, to be given with Clerks, and Apprentices, towards raising Her Majesty's Supply, for the Year One thousand seven hundred and ten.

From 1 May 1710, 6d. for every 20s. of 5cl. or under, and 12d. for every sum of above 5cl. to be paid for every clerk or apprentice put out for five years *made perpetual by* 9 Annæ, c. 21. s. 7. To be paid by the master.

XXXII. AND be it further enacted by the authority aforesaid, That there shall be throughout the kingdom of *Great Britain*, raised, collected, and paid to Her Majesty, her heirs and successors, the further rates, duties, and sums of money following, that is to say, the duty, rate, or sum of six-pence, for every twenty shillings, for every sum of fifty pounds or under, and the duty, rate, or sum of one shilling, of every twenty shillings, of all and every sum and sums amounting to more than fifty pounds, which shall, at any time or times, from and after the first day of *May*, one thousand seven hundred and ten, and during the term of five years from thence next ensuing, be given, paid, contracted, or agreed for, with or in relation to every clerk, apprentice, or servant, which shall be, within the kingdom of *Great Britain*, put or placed to or with any master or mistress to learn any profession, trade, or employment,

ployment, and proportionably for greater or lesser sums; which said duties, rates, and sums, shall be paid by the said masters or mistresses respectively.

This duty to be under the management of the commissioners of the stamp duties.

XXXIII. And be it further enacted by the authority aforesaid, That for the better and more effectual levying, collecting, and paying unto Her Majesty, her heirs and successors, the said duties after the rate of six-pence, and one shilling for every such respective sum of twenty shillings as aforesaid, the same shall be under the government, care, and management of the commissioners for the time being, appointed to manage Her Majesty's duties on stampt vellum, parchment, and paper; and the same commissioners shall employ and appoint such inferior officers as shall be necessary for managing and collecting the duties last-mentioned, and hereby granted, and for keeping accounts thereof, and for stamping all such indentures and other writings, which are hereby required to be stamped, as hereinafter is mentioned, and otherwise to act in and relating to the same duties, as Her Majesty's service in this behalf shall require; and to cause such sum and sums of money to be expended and paid, from time to time, out of the duties last-mentioned, and hereby granted, for salaries, and other incident charges, as shall be necessary in and for the receiving, collecting, levying, or managing the same duties, during the said term, any thing in this act contained to the contrary notwithstanding.

To be paid to the receiver general of the stamp duties, and by him into the Exchequer weekly.

XXXIV. And it is hereby further enacted, by the authority aforesaid, That the duties last-mentioned, and hereby granted, shall be all paid or transmitted, from time to time, as this act directs, into the hands of the receiver general for the time being, of the said duties on stampt vellum, parchment, and paper, who shall keep a separate and distinct account thereof, and pay the same into the receipt of the exchequer of Her Majesty, her heirs and successors, weekly, on Wednesday in every week, unless it be an holy-day, and then the next day after which shall not be an holy-day, for the purposes in this act expressed, and under the like penalties, forfeitures, and disabilities, as are to be inflicted by this act, for diverting or misapplying any monies by this act appropriated or appointed for repayment of loans, or satisfaction of interest monies as is hereinafter-mentioned.

 XXXV. And

XXXV. And be it further enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and ten, the full sum or sums of money received, or in any wise directly or indirectly given, paid, agreed, or contracted for, during the term aforesaid, with or in relation to every such clerk, apprentice, and servant as aforesaid, shall be truly inserted and written in words at length, in some indenture or other writing which shall contain the covenants, articles, contracts, or agreements, relating to the service of such clerk, apprentice, or servant as aforesaid, and shall bear date upon the day of the signing, sealing, or other execution of the same; upon pain that every master and mistress, to or with whom, or to whose use, any sum of money whatsoever shall be given, paid, secured, or contracted, for or in respect of any such clerk, apprentice, or servant as aforesaid, which shall not be truly and fully so inserted and specified in some such indenture, or other writing, shall for every such offence forfeit double the sum so given, paid, secured, or contracted for; the one moiety of which forfeiture shall be to Her Majesty, her heirs, or successors, and the other moiety with full cost, to any person or persons who shall inform and sue for the same, by action of debt, bill, plaint, or information, in any court of record at *Westminster*, or in the *Exchequer* of *Scotland*, at any time after the executing, making, or signing of any such indenture or writing, or making any such contract, or agreement, and within one year after the time limited or appointed for the service of any such clerk, apprentice, or servant, to or with such master or mistress, shall be expired.

To be inserted in the indenture, &c. on forfeiture of double the sum.

XXXVI. And be it further enacted by the authority aforesaid, That the said commissioners for managing the said duties on stampt vellum, parchment, and paper, shall, before the said first day of *May*, one thousand seven hundred and ten, provide two new stamps to be used in pursuance of this act, (over and besides the stamps heretofore requisite for or in respect of such indenture or other writing by virtue of the statutes in that case made), the one of which new stamps shall denote the said duty of six-pence in the pound, and the other of the said new stamps shall denote the said duty of one shilling in the pound; and that all such indentures, or other writings, containing the sums truly given, paid, agreed, or contracted for as aforesaid, which shall, within or during the

Two new stamps to be provided, &c.

said term of five years, be entered into, executed, or signed, within the cities of *London* or *Westminster*, or within the limits of the bills of mortality, shall be brought to the head office for stamping or marking of vellum, parchment, and paper; and the duties hereby charged and payable for the sums therein to be inserted, as aforesaid, shall be paid to the receiver general for the time being of the said duties on stampt vellum, parchment, and paper; and upon such payment thereof, the same shall be stamped with one of the said new stamps, as the case shall require, within one month after the respective dates thereof.

Indentures to be brought to the head office, &c. in 2 months after date;

XXXVII. And be it enacted by the authority aforesaid, That all the said indentures, and other writings, which shall or ought to contain the whole sum truly given, paid, agreed, or contracted for as aforesaid, which shall, within or during the said term of five years, be entered into, executed, or signed, in any part of *Great Britain*, (not being within the limits of the said weekly bills of mortality) shall (at the option of the party concerned) be brought or sent, either to the head office within the limits of the said weekly bills, or else to some of the collectors, appointed or to be appointed for Her Majesty's duties upon stampt vellum, parchment, and paper, who shall reside without the limits of the said weekly bills, in *England*, *Wales*, or the town of *Berwick-upon-Tweed*, or to some of the officers to be appointed for the duties by this act granted in *Scotland*, within two months after the date, execution, or signing of every such indenture, or writing respectively; and upon producing of every such indenture or writing, either at the said head office, or to such collector, or other officer, as aforesaid, Her Majesty's duties hereby granted shall be paid, either to the said receiver general at the said head office, or to such collector or other officer as aforesaid; and in case the said payment shall be made to the immediate hands of the receiver general in the said head office, for Her Majesty's use, then the indenture or writing, for which such payment shall be made, shall be forthwith stamped with one of the said new stamps, as the case shall require; and in case such payment shall be made to the hands of such collector, or other officer, without the limits of the said weekly bills, the same collector or other officer is hereby required to endorse on such indenture, or other writing, a receipt for the monies so paid, in words at length, bearing date the day on which such payment shall be

and there the duty to be paid and indenture stampt, &c. or the collector to indorse a receipt, &c.

made, and to subscribe his name thereto, (to the intent that he may thereby be charged with every sum so paid to him,) and forthwith deliver back the said indenture or writing so endorsed to the bringer thereof.

Within what time indentures shall be stampt.

XXXVIII. And it is hereby enacted by the authority aforesaid, That every such indenture or writing so endorsed (in case the same be entered into, executed, or signed within the space of fifty miles, to be computed from the limits of the said weekly bills of mortality) shall, within three months after the date or making thereof; and if the same be entered into, executed, or signed in any part of *Great Britain* at a greater distance from the limits aforesaid, shall, within six months after the date or making thereof, be brought or sent to the said head office, where the same (being produced with the said receipt endorsed) shall be immediately stamped with one of the said new stamps, as the case shall require, by the officer appointed, or to be appointed for that purpose.

Indentures in which the full sum received, is not charged, &c. void.

XXXIX. And be it further enacted by the authority aforesaid, That all such indentures or writings, as aforesaid, wherein shall not be truly inserted and written the full sum and sums of money received, or in any wise directly or indirectly given, paid, secured, or contracted for, with or in relation to such clerk, apprentice, or servant, as aforesaid, or whereupon the duties payable by this act shall not be duly paid, or lawfully tendered, or which shall not be stamped, or lawfully tendered to be stamped, according to the tenor and true meaning of this act, within the respective times herein for that purpose severally and respectively limited, shall be void, and not available in any court or place, or to any purpose whatsoever; and the clerk, apprentice, or servant, whom the same shall concern or relate to, shall in such case be utterly incapable of being free of any city, town, corporation, or company, and of following or exercising the intended profession, trade, or employment; any charter, law, or custom to the contrary notwithstanding.

And clerk, &c. incapacitated.

Parish or public charities not charged.

XL. Provided always, That nothing in this act contained shall be construed to extend to charge any master or mistress with the payment of any of the said duties, in respect of any money by him or her received with any apprentice or servant, who shall be put or placed out at the common or public charge of any parish or township, or by or out of any public charity, or to require the stamping with any such new stamp as aforesaid, of any indenture, articles, covenant, agreement, or contract

tract relating to such apprentice or servant as last mentioned; any thing herein contained to the contrary notwithstanding.

Forging new stamps felony.

XLI. And be it further enacted by the authority aforesaid, That if any person shall forge or counterfeit the said new stamps to be provided in pursuance of this act, or either of them, or impress any vellum, parchment, or paper with any such counterfeit stamp, or counterfeit any receipt for any monies payable by virtue of this act, every such person being convicted of any of the offences before mentioned, shall be adjudged a felon, and suffer as in cases of felony, without benefit of clergy.

No indenture to be admitted in evidence, unless oath made of the sums really paid, &c.

XLIII. And be it further enacted by the authority aforesaid, That no indenture or writing required by this act to be stamped as aforesaid, shall be given or admitted in evidence in any suit to be brought by any of the parties thereunto, unless such party, on whose behalf the same shall be given or admitted in evidence, do first make oath, that to the best of his or her knowledge, the sum or sums therein for that purpose inserted or mentioned, was or were really and truly all that was directly or indirectly given, paid, secured, or contracted for, on behalf or in respect of such clerk, apprentice, or servant, to or for the benefit of the master or mistress to or with whom such clerk, apprentice, or servant was put or placed.

Commissioners to observe the orders of the treasury.

XLIV. And be it further enacted by the authority aforesaid, That the said commissioners for managing the said duties on stampt vellum, parchment, and paper, and all other officers who shall be employed in or about the collecting or managing of the duties last mentioned, and hereby granted, shall, in and for the better execution of their several offices and trusts, observe and perform such rules, methods, and orders, as they respectively shall from time to time receive from the lord high treasurer now being, or the lord high treasurer of the exchequer, or commissioners of the treasury for the time being; and that no fee or reward shall be demanded or taken by any of Her Majesty's officers, relating to the said stamp duties, from any of Her Majesty's subjects, for any matter or thing to be done in pursuance of this act; and in case any officer intrusted, or to be intrusted in the execution of this act, in relation to the said stamp duties, shall refuse or neglect to perform any matter or thing by this act required to be done or performed by him, whereby any of Her Majesty's subjects shall or may sustain any damage whatsoever, such officer so offending shall be

No fee for stamps.

Officer neglecting his duty answers full damages and treble costs.

liable, by any action to be founded on this statute, to answer to the party grieved all such damages, with treble costs of suit.

Where any thing shall be given to any master, not being money, the full value of such thing to be answered for the duties.

XLV. And be it declared and further enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and ten, and during the said five years, where any thing or things, not being lawful money of *Great Britain*, shall directly or indirectly be given, assigned, conveyed, delivered, contracted for, or secured, to or for the use or benefit of any master or mistress, with or in respect of any such clerk, apprentice, or servant, for whom a duty is chargeable by this act; the duties hereby granted and last-mentioned shall be answered and paid for the full value or values of such thing or things, and the same duties for the said values shall be secured and answered in the same manner and form, and under the like pains, penalties, forfeitures, and incapacities, as are before in this act provided for securing the said rates upon monies given or paid, or agreed to be given or paid, with such clerks, apprentices, or servants as aforesaid.

[12 Annæ, Cap. 18. Sect. 2.]

An Act for making perpetual the Act made in the thirteenth and fourteenth Years of the Reign of the late King Charles *the Second, intituled* An Act for the better Relief of the Poor of this Kingdom; *and that Persons bound Apprentices to, or being hired Servants with Persons coming with Certificates, shall not gain Settlements by such Services or Apprenticeships.*

8 & 9 W. III. c. 30.

II. "AND whereas by an act made in the eighth and ninth years of the reign of the late King *William* the Third, intituled, *An act for supplying some defects in the laws for the relief of the poor of this kingdom*, it was amongst other things enacted, in the words following, viz. That if any person or persons whatsoever, that from and after the first day of *May* one thousand six hundred ninety-seven, shall come into any parish, or other place, there to inhabit or reside, shall, at

at the same time, procure, bring, and deliver to the churchwardens or overseers of the poor of the parish or place where any such person shall come to inhabit, or to any or either of them, a certificate under the hands and seals of the churchwardens and overseers of the poor of any other parish, township or place, or the major part of them, or under the hands and seals of the overseers of the poor of any other place, where there are no churchwardens, to be attested respectively by two or more credible witnesses, thereby owning and acknowledging the person or persons mentioned in the said certificate, to be an inhabitant or inhabitants legally settled in that parish, township, or place, every such certificate having been allowed of and subscribed by two or more of the justices of the peace of the county, city, liberty, borough, or town corporate, wherein the parish or place, from whence any such certificate shall come, doth lie, shall oblige the said parish or place to receive and provide for the person mentioned in the said certificate, together with his or her family, as inhabitants of that parish, whenever he, she, or they shall happen to become chargeable to, or be forced to ask relief of the parish, township, or place, to which such certificate was given; and then, and not before, it shall and may be lawful for any such person, and his or her children, though born in that parish, not having otherwise acquired a legal settlement there, to be removed, conveyed, and settled in the parish or place from whence such certificate was brought: and whereas many persons obtaining and bringing such certificates, do frequently take apprentices bound by indenture, and hire and keep servants by the year, who, by reason of such apprenticeships and services, do gain settlements in, and become a great burthen to such parishes, townships, and places, though such masters coming with such certificates have, by virtue thereof, no settlements in such parishes, townships, or places:" for remedy whereof, it is declared and enacted by the authority aforesaid, That if any person whatsoever, who, upon or after the four-and-twentieth day of *June* one thousand seven hundred and thirteen, shall be an apprentice, bound by indenture to, or shall, upon or after the said four-and-twentieth day of *June*, one thousand seven hundred and thirteen, be a hired servant to or with any person whatsoever, who did come into or shall reside in any parish, township, or place, in that part of *Great Britain* called *England*, by means or licence of such certificate,

After 24 June 1713, any person bound apprentice, or being a hired servant to one who came into a parish by certificate,

shall not gain a settlement there by reason of such apprenticeship, &c.

cate, and not afterwards having gained a legal settlement in such parish, township or place, such apprentice, by virtue of such apprenticeship, indenture, or binding, and such servant by being hired by, or serving as a servant, as aforesaid, to such person, shall not gain or be adjudged to have any settlement in such parish, township or place, by reason of such apprenticeship or binding, or by reason of such hiring or serving therein; but every such apprentice and servant shall have his and their settlements in such parish, township, or place, as if he or they had not been bound apprentice or apprentices, or had not been an hired servant or servants to such person as aforesaid; any act or acts of parliament to the contrary notwithstanding.

[5 Geo. I. Cap. 8.]

An Act for the more effectual Relief of such Wives and Children, as are left by their Husbands and Parents upon the Charge of the Parish.

"WHEREAS divers persons run or go away from their places of abode into other counties or places, and sometimes out of the kingdom, some men leaving their wives, a child or children, and some mothers run or go away, leaving a child or children upon the charge of the parish or place where such child or children was or were born, or last legally settled, although such persons have some estates, which should ease the parish of their charge, in whole or in part:" may it please Your Majesty therefore that it may be enacted, and be it enacted by The King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for the churchwardens or overseers of the poor of such parish or place where any such wife, or child or children shall be so left, upon application to, and by warrant or order from any two justices of the peace, to take and seize so much of the goods and chattels, and receive so much of the annual rents and profits of the lands and tenements of such husband, father, or mother, as such two justices of the peace as aforesaid,

Churchwardens, &c. may by warrant from two justices, seize the goods, &c. of husbands and parents, who leave their wives and children upon the parish.

shall order or direct, for or towards the discharge of the parish or place where such wife, child or children are left, for the bringing up and providing for such wife, child, or children; which warrant or order being confirmed at the next quarter sessions, it shall be lawful for the justices of such quarter sessions to make an order for the churchwardens or overseers for the poor of such parish or place, to dispose of such goods and chattels by sale, or otherwise, or so much of them, for the purposes aforesaid, as the court shall think fit, and to receive the rents and profits, or so much of them, as shall be ordered by the sessions as aforesaid, of his or her lands and tenements, for the purposes aforesaid.

Such warrant to be confirmed at quarter-sessions; who may make an order for sale, &c.

II. And be it enacted by the authority aforesaid, That the churchwardens and overseers aforesaid shall be accountable to the justices at the quarter sessions for all such money as they, or any of them, shall receive by virtue of this act.

Churchwardens, &c. to be accountable to justices in sessions.

[9 Geo. I. Cap. 7.]

An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor.

"WHEREAS by an act of parliament, made and passed in the third and fourth years of the reign of Their late Majesties King *William* and Queen *Mary*, it was provided, That in every parish a book or books should be kept, wherein the names of all persons, who did or might receive collections should be registered, with the time when they were first admitted to such relief, and the occasion which brought them under that necessity; and that no such person should be allowed to have or receive collection at the charge of the parish, but by authority, or under the hand of one justice of the peace residing in such parish, or if none there dwelling, in the parts near or next adjoining, or by order of the justices at their quarter sessions, except in case of pestilential diseases, plague, or small-pox: and whereas under colour of the proviso in the said act, many persons have applied to some justices of peace, without the knowledge of any officers of the parish, and thereby, upon untrue suggestions, and sometimes upon false

3 & 4. W. & M. c. 11. s. 11.

or

or frivolous pretences, have obtained relief, which hath greatly contributed to the increase of the parish rates:" for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fifth day of *March*, which shall be in the year of our lord one thousand seven hundred and twenty-three, no justice of peace shall order relief to any poor person dwelling in any parish, until oath be made before such justice of some matter which he shall judge to be a reasonable cause or ground for having such relief, and that the same person had by himself, herself, or some other, applied for relief to the parishioners of the parish, at some vestry or other public meeting of the said parishioners, or to two of the overseers of the poor of such parish, and was by them refused to be relieved, and until such justice hath summoned two of the overseers of the poor to shew cause why such relief should not be given, and the person so summoned hath been heard, or made default to appear before such justice; any thing in the first proviso, or any law to the contrary notwithstanding.

No poor to be relieved till oath made of a reasonable cause,

II. And be it further enacted by the authority aforesaid, That the person whom any such justices of peace shall think fit to order to be relieved, shall be entered in such book or books so to be kept by the parish, as one of those who is to receive collection, as long as the cause for such relief continues, and no longer; and that no officer of any parish shall (except upon sudden and emergent occasions) bring to the account of the parish any monies he shall give to any poor person of the same parish, who is not registered in such book or books to be kept by the said parish, as a person entitled to receive collection, on pain of forfeiting the sum of five pounds, to be levied by distress and sale, by warrant of any two or more justices of the peace of the same county, who shall have examined into and found him guilty of such offence: which said sum shall be applied to and for the use of the poor of the said parish, by direction of the said justice or justices of the peace.

or longer than the cause continues.

III. And for the greater ease of justices of the peace, whom His Majesty or his successors hath or shall by commission authorise to act as a justice of the peace for any county of this realm; be it enacted by the authority aforesaid,

said, That if any such justice of the peace shall happen to dwell in any city, or other precinct that is a county of itself, situate within the county at large, for which he shall be appointed justice of peace, although not within the same county, it shall and may be lawful for any such justice of peace to grant warrants, take examinations, and make orders for any matters, which any one or more justice or justices of the peace may act in, at his own dwelling-house, although such dwelling-house be out of the county where he is authorized to act as a justice of peace, and in some city or other precinct adjoining, that is a county of itself; and that all such warrants, orders, and other act or acts of any justice of peace, and the act or acts of any constable, tithingman, headborough, overseer of the poor, surveyor of the highways, or other officer, in obedience to any such warrant or order, shall be as valid, good, and effectual, in the law, although it happen to be out of the limits of the proper precinct or authority: Provided always, That nothing in this act contained shall extend to give power to the justices of peace for the counties at large, to hold their general quarter-sessions of the peace in the cities or towns which are counties of themselves, nor to empower justices of peace, sheriffs, bailiffs, constables, headboroughs, tithingmen, borsholders, or any other peace officers of the counties at large, to act or intermeddle in any matters or things arising within cities or towns which are counties of themselves, but that all such actings and doings shall be of the same force and effect in law, and none other, as if this act had never been made.

Justices dwelling out of a county, may grant warrants, &c.

IV. And for the greater ease of parishes in the relief of the poor, be it further enacted by the authority aforesaid, That it shall and may be lawful for the churchwardens and overseers of the poor in any parish, town, township, or place, with the consent of the major part of the parishioners or inhabitants of the same parish, town, township, or place, in vestry or other parish or public meeting for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, to purchase or hire any house or houses in the same parish, township or place, and to contract with any person or persons for the lodging, keeping, maintaining, and employing any or all such poor in their respective parishes, townships or places, as shall desire

Churchwardens, &c. may purchase, &c. houses to lodge or employ the poor in.

desire to receive relief or collection from the same parish, and there to keep, maintain, and employ all such poor persons, and take the benefit of the work, labour, and service of any such poor person or persons who shall be kept or maintained in any such house or houses, for the better maintenance and relief of such poor person or persons, who shall be there kept or maintained; and in case any poor person or persons of any parish, town, township, or place, where such house or houses shall be so purchased or hired, shall refuse to be lodged, kept, or maintained in such house or houses, such poor person or persons so refusing, shall be put out of the book or books where the names of the persons who ought to receive collection in the said parish, town, township, or place, are to be registered, and shall not be entitled to ask or receive collection or relief from the churchwardens and overseers of the poor of the same parish, town or township; and where any parish, town or township, shall be too small to purchase or hire such house or houses for the poor of their own parish only, it shall and may be lawful for two or more such parishes, towns or townships or places, with the consent of the major part of the parishioners or inhabitants of their respective parishes, town, township or places, in vestry or other parish or public meeting for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, and with the approbation of any justice of peace dwelling in or near any such parish, town, or place, signified under his hand and seal, to unite in purchasing, hiring, or taking such house, for the lodging, keeping, and maintaining of the poor of the several parishes, townships, or places so uniting, and there to keep, maintain, and employ the poor of the respective parishes so uniting, and to take and have the benefit of the work, labour, or service of any poor there kept and maintained, for the better maintenance and relief of the poor there kept, maintained, and employed; and that if any poor person or persons in the respective parishes, townships, or places so uniting, shall refuse to be lodged, kept, and maintained in the house, hired or taken for such uniting parishes, townships, or places, he, she, or they, so refusing, shall be put out of the collection book, where his, her, or their names were registered, and shall not be entitled to ask or demand relief or collection from the

Poor refusing to be lodged, &c. are not intitled to relief.

One parish, &c. being too small for such purchase, two may unite, &c.

the churchwardens and overseers of the poor in their respective parishes, township, or places; and that it shall and may be lawful for the churchwardens and overseers of the poor of any parish, township, or place, with the consent of the major part of the parishioners or inhabitants of the said parish, township, or place where such house or houses is, are, or shall be purchased or hired for the purposes aforesaid, in vestry, or other parish or public meeting, for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, to contract with the churchwardens and overseers of the poor of any other parish, township, or place, for the lodging, maintaining, or employing of any poor person or persons of such other parish, township, or place, as to them shall seem meet; and in case any poor person or persons of such other parish, township, or place, shall refuse to be lodged, maintained, and employed in such house or houses, he, she, or they, so refusing, shall be put out of the collection book of such other parish, township, or place, where his, her, or their names were registered, and shall not be entitled to ask, demand, or receive any relief or collection from the churchwardens and overseers of the poor of his, her, or their respective parish, township, or place: Provided always, That no poor person or persons, his, her, or their apprentice, child, or children, shall acquire a settlement in the parish, town, or place, to which he, she, or they, are removed by virtue of this act, but that his, her, or their settlement, shall be and remain in such parish, town, or place, as it was before such removal; any thing in this act to the contrary notwithstanding.

Churchwardens, &c of one parish may contract with those of another, &c.

Settlement to be as before removal.

V. And be it further enacted, by the authority aforesaid, That from and after the twenty-fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and twenty three, no person or persons shall be deemed, adjudged, or taken, to acquire or gain any settlement in any parish or place, for or by virtue of any purchase of any estate or interest in such parish or place, whereof the consideration for such purchase doth not amount to the sum of thirty pounds, *bona fide* paid, for any longer or further time than such person or persons shall inhabit in such estate, and shall then be liable to be removed to such parish or place, where such person or persons were last

Settlement how to be acquired by purchase.

last legally settled, before the said purchase and inhabitancy therein.

Paying taxes to the scavenger, gains no settlement.

VI. And be it further enacted, by the authority aforesaid, That no person or persons whatsoever, who from and after the twenty-fifth day of *March*, in the year of our Lord one thousand seven hundred and twenty-three, shall be taxed, rated, or assessed to the scavenger or repairs of the highway, and shall duly pay the same, shall be deemed or taken to have any legal settlement in any city, parish, town, or hamlet, for or by reason of his, her, or their paying to such scavenger's rate or repairs of the highways as aforesaid: any law to the contrary in any wise notwithstanding.

8 & 9 W. III. c. 30.

VII. "And whereas there was a clause in the statute made in the eighth and ninth years of His late Majesty King *William* the Third, intituled, *An act for the supplying some defects in the law for the relief of the poor of this kingdom*, whereby it was enacted, That after the first day of *May* one thousand six hundred and ninety-seven, all appeals against any order for the removing of any poor persons, should be heard at the quarter sessions of the county or division wherein the parish or place from whence such person should be removed doth lie, and not elsewhere, except the liberty of *Saint Albans*," Be it enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace, within the liberty of the borough of Saint *Peter* and hundred of *Nassaborough*, in the county of *Northampton*, to hear and determine all appeals to them made, against any order made for removal of any poor person, in their quarter sessions, as they might have done before the making of the said last mentioned act; any thing therein or in this present act contained to the contrary thereof in any wise notwithstanding.

Justice of St. Peter and hundred of Nassaborough in Northamptonshire may determine appeals.

VIII. "And whereas several disputes and controversies have arisen and been concerning the time of notice to be given of appeals from orders of removals of poor persons, to prevent the same as much as may be, for the future," Be it enacted by the authority aforesaid, That from and after the said twenty-fifth day of *March*, one thousand seven hundred and twenty-three, no appeal or appeals from any order or orders of removal of any poor person or persons whatsoever, from any parish or place to another, shall be

proceeded

proceeded upon in any court or quarter sessions, unless reasonable notice be given by the churchwardens or overseers of the poor of such parish or place, who shall make such appeal, unto the churchwardens or overseers of the poor of such parish or place from which such poor person or persons shall be removed, the reasonableness of which notice shall be determined by the justices of the peace at the quarter sessions, to which the appeal is made; and if it shall appear to them that reasonable time of notice was not given, then they shall adjourn the said appeal to the next quarter sessions, and then and there finally hear and determine the same.

Reasonable notice is to be given of appeals.

IX. And for the preventing vexatious removals, Be it further enacted by the authority aforesaid, That, from and after the twenty-fourth day of *June*, in the year of our Lord one thousand seven hundred and twenty-three, if the justices of the peace shall, at their quarter sessions, upon an appeal before them there had concerning the settlement of any poor persons, determine in favour of the appellant, that such poor person or persons was or were unduly removed, that then the said justices shall, at the same quarter sessions, order and award to such appellant so much money, as shall appear to the said justices to have been reasonably paid by the parish, or other place, on whose behalf such appeal was made for or towards the relief of such poor person or persons, between the time of such undue removal, and the determination of such appeal; the said money so awarded to be recovered in the same manner as costs and charges, upon an appeal, are prescribed to be recovered by the said statute made in the ninth year of his late Majesty King *William* the Third, intituled, *An act for supplying some defects in the laws for the relief of the poor of this kingdom.*

Justices how to relieve the appellant on undue removals.

8 & 9 W. III. c. 30.

[3 Geo. II. Cap. 29. Sect. 8 & 9.]

An Act for making further Provision concerning Certificates relating to the Settlements of poor Persons, and the Charges of maintaining and removing certificated Persons.

VIII. "AND to prevent disputes which often happen, touching the proof of certificates given by the officers of any parish or place, acknowledging any person or persons therein named, to be an inhabitant or inhabitants legally settled in such parish, town, or place, by virtue of an act of parliament made in the eighth and ninth years of the reign of His late Majesty King *William* the Third, and for making such certificates more effectual," be it enacted by the authority aforesaid, That from and after the twenty-fourth day of *June*, in the year of our Lord one thousand seven hundred and thirty, the witnesses who attest the execution of such certificates by the churchwarden or churchwardens, overseer or overseers, signing and sealing the same, or one of the said witnesses, shall make oath before the justices of the peace, who by the said act are directed to allow the same (which oath they are hereby authorised to administer) that such witness or witnesses did see the churchwarden or churchwardens, overseer or overseers, whose names and seals are thereunto subscribed and set, severally sign and seal the said certificate, and that the names of such witnesses attesting the said certificate are of their own proper hand-writing; which said justices of the peace shall also certify that such oath was made before them; and every such certificate so allowed, and oath of the execution thereof so certified, by the said justices of the peace, shall be taken, deemed and allowed, in all courts whatsoever, as duly and fully proved, and shall be taken and received as evidence, without other proof thereof; and that all certificates given in pursuance of the said act, before the said twenty-fourth day of *June*, one thousand seven hundred and thirty, shall be also taken and allowed in all courts as evidence, without other proof; provided the same are duly allowed

Witness to certificates of settlements to swear that they saw the churchwardens, &c. sign them.

allowed by two justices of the peace, as by the said act is required.

IX. "And whereas by an act made in the eighth and ninth years of the reign of His late Majesty King *William* the Third, intituled, *An act for supplying some defects in the laws for the relief of the poor of this kingdom*, all parishes and places are obliged to receive and entertain as inhabitants all and every person and persons and their families, which come from any other parishes or places with such certificate of their settlement as in the said act are directed and required, until such certificate persons become chargeable, in which case and no others, the parishes and places to which they have been sent by certificate, are authorised to reconvey, and those from whence they came, required to receive the said certificate persons and their families, as their proper parishioners and inhabitants; but no provision is made in the said act for reimbursing the parishes and places the charges they may be put to in reconveying the said certificate persons to their former parishes and settlements, or for the maintenance of them when sick or disabled, till they may be in a condition to be so removed, whereby divers parishes and places are often put to great and unavoidable expences in removing and maintaining such certificate persons and their families:" Now, to remedy and prevent the same for the future, be it enacted by the authority aforesaid, That when any overseer or overseers of the poor of any parish or place, or other person, shall remove back any person or persons or their families, residing in such parish or place, or sent thither by certificate, and becoming chargeable as aforesaid, to the parish or place to which such person or persons shall belong, such overseers or other persons shall be reimbursed such reasonable charges as they may have been put unto, in maintaining and removing such person or persons, by the churchwardens or overseers of the poor of the parish or place, to which such person or persons is or are removed, the said charges being first ascertained and allowed of by one or more of His Majesty's justices of the peace for the county or place to which such removal shall be made; which said charges so ascertained and allowed, shall, in case of refusal of payment, be levied by distress and sale of the goods and chattels of the churchwardens and overseers of the poor of the parish or place, to which such certificate person or persons is or are removed by warrant or warrants under

Overseers to be reimbursed on reconveying certificate persons.

the hand and seal, or hands and seals, of such justice or justices, returning the overplus if any there be; which warrant or warrants he or they are hereby required to grant.

[5 Geo. II. Cap. 19.]

An Act to oblige the Justices of the Peace at their General or Quarter Sessions to determine Appeals made to them according to the Merits of the Case, notwithstanding Defects of Form in the original Proceedings; and to oblige Persons suing forth Writs of Certiorari *to remove Orders made on such Appeals into His Majesty's Court of King's Bench, to give Security to prosecute the same with Effect.*

"WHEREAS in many cases where His Majesty's justices of the peace by law are impowered to give or make judgments or orders, great expences have been occasioned by reason that such judgments or orders have, on appeals to the justices of the peace at their respective general or quarter sessions, been quashed or set aside upon exceptions or objections to the form or forms of the proceedings, without hearing or examining the truth and merits of the matter in question between the parties concerned:" therefore to prevent the same for the future, may it please Your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That after the twenty-fourth day of *June*, one thousand seven hundred and thirty-two, upon all appeals to be made to the justices of the peace at their respective general or quarter sessions to be holden for any county, riding, city, liberty, or precinct, within that part of *Great Britain* called *England*, against judgments or orders given or made by any justices of the peace as aforesaid, such justices so assembled at any general or quarter sessions shall, and they are hereby required from time to time, within their respective jurisdictions, upon all

After 24 June 1732, justices may rectify defects of form on appeals,

all and every such appeals so made to them, to cause any defect or defects of form that shall be found in any such original judgments or orders, to be rectified and amended without any cost or charge to the parties concerned, and after such amendment made shall proceed to hear, examine, and consider the truth and merits of all matters concerning such original judgments or orders, and likewise to examine all witnesses upon oath, and hear all other proofs relating thereto, and to make such determinations thereupon as by law they should or ought to have done, in case there had not been such defect or want of form in the original proceeding; any law, usage, or custom to the contrary notwithstanding.

and may proceed to determine them.

II. "And whereas divers writs of *certiorari* have been procured to remove such judgments or orders into His Majesty's court of king's bench at *Westminster*, in hopes thereby to discourage and weary out the parties concerned in such judgments or orders by great delays and expences:" be it therefore enacted by the authority aforesaid, That no *certiorari* shall be allowed to remove any such judgment or order, unless the party or parties prosecuting such *certiorari* before the allowance thereof, shall enter into a recognizance with sufficient sureties before one or more justices of the peace of the county or place, or before the justices at their general quarter sessions or general sessions, where such judgment or order shall have been given or made, or before any one of His Majesty's justices of the said court of king's bench, in the sum of fifty pounds, with condition to prosecute the same at his or their own costs and charges with effect, without any wilful or affected delay, and to pay the party or parties, in whose favour and for whose benefit such judgment or order was given or made, within one month after the said judgment or order shall be confirmed, their full costs and charges, to be taxed according to the course of the court where such judgments or orders shall be confirmed; and in case the party or parties prosecuting such *certiorari* shall not enter into such recognizance, or shall not perform the conditions aforesaid, it shall and may be lawful for the said justices to proceed and make such further order or orders for the benefit of the party or parties for whom such judgment shall be given, in such manner as if no *certiorari* had been granted.

No certiorari to be allowed to remove justices' orders, without a recognizance of 50l. to prosecute to effect.

On refusal of recognizance, justices to proceed.

III. And it is hereby further enacted by the authority aforesaid, That the recognizance and recognizances to be

Recognizances to be

certified into the King's Bench.

taken as aforesaid, shall be certified into the court of king's bench at *Westminster*, and there filed with the *certiorari* and order, or judgment removed thereby; and if the said order or judgment shall be confirmed by the said court, the persons intitled to such costs for the recovery thereof, within ten days after demand made of the person or persons who ought to pay the said costs, upon oath made of the making such demand and refusal of payment thereof, shall have an attachment granted against him or them by the said court for such contempt, and the said recognizance so given, upon the allowing of such *certiorari* shall not be discharged, until the costs shall be paid, and the order so confirmed shall be complied with and obeyed.

Attachment for contempt.

[6 Geo. II. Cap. 31.]

An Act for the Relief of Parishes and other Places from such Charges as may arise from Bastard Children born within the same.

"WHEREAS the laws now in being are not sufficient to provide for the securing and indemnifying parishes and other places from the great charges frequently arising from children begotten and born out of lawful matrimony:" for remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June*, in the year of our Lord one thousand seven hundred and thirty-three, if any single woman shall be delivered of a bastard child, which shall be chargeable or likely to become chargeable to any parish or extraparochial place, or shall declare herself to be with child, and that such child is likely to be born a bastard, and to be chargeable to any parish or extraparochial place, and shall in either of such cases, in an examination to be taken in writing, upon oath, before any one or more justice or justices of the peace of any county, riding, division,

After 24 June 1733, the person charged on oath of being the father of a bastard child,

division, city, liberty, or town corporate, wherein such parish or place shall lie, charge any person with having gotten her with child, it shall and may be lawful to and for such justice or justices, upon application made to him or them by the overseers of the poor of such parish, or by any one of them, or by any substantial householder of such extraparochial place, to issue out his or their warrant or warrants for the immediate apprehending such person so charged as aforesaid, and for bringing him before such justice or justices, or before any other of His Majesty's justices of the peace of such county, riding, division, city, liberty, or town corporate; and the justice or justices before whom such person shall be brought, is and are hereby authorized and required to commit the person so charged as aforesaid to the common gaol or house of correction of such county, riding, division, city, liberty, or town corporate, unless he shall give security to indemnify such parish or place, or shall enter into a recognizance with sufficient surety, upon condition to appear at the next general quarter sessions or general sessions of the peace to be holden for such county, riding, division, city, liberty, or town corporate, and to abide and perform such order or orders as shall be made in pursuance of an act passed in the eighteenth year of the reign of Her late Majesty Queen *Elizabeth*, concerning bastards begotten and born out of lawful matrimony.

may be immediately apprehended,

and committed to prison, unless he give security.

18 Eliz. c. 3.

II. Provided nevertheless, and be it enacted by the authority aforesaid, That if the woman so charging any person as aforesaid shall happen to die, or be married before she shall be delivered, or if she shall miscarry of such child, or shall appear not to have been with child at the time of her examination, then, and in any of the said cases, such person shall be discharged from his recognizance at the next general quarter sessions or general sessions of the peace to be holden for such county, riding, division, city, liberty, or town corporate, or immediately released out of custody, by warrant under the hand and seal, or hands and seals, of any one or more justice or justices of the peace residing in or near the limits where such parish or place shall lie.

Such person on the woman's miscarriage, &c. shall be discharged.

III. Provided also, and be it enacted by the authority aforesaid, That upon application made by any person who shall be committed to any gaol or house of correction by virtue of this act, or by any person on his behalf, to any

The justices, on prisoner's request, may summon the overseers, &c.

justice or justices residing in or near the limits where such parish or place shall lie, such justice or justices is and are hereby authorized and required to summon the overseer or overseers of the poor of such parish, or one or more of the substantial householders of such extraparochial place, to appear before him or them at a time and place to be mentioned in such summons, to shew cause why such person should not be discharged; and if no order shall appear to have been made in pursuance of the said act of the eighteenth year of the reign of Her late Majesty Queen *Elizabeth*, within six weeks after such woman shall have been delivered, such justice or justices shall and may discharge him from his imprisonment in such gaol or house of correction to which he shall have been committed.

and if no order be made within six weeks after the woman's delivery, prisoner to be set at liberty.

IV. Provided always, and be it further enacted by the authority aforesaid, That it shall not be lawful for any justice or justices of the peace to send for any woman whatsoever before she shall be delivered, and one month after, in order to her being examined concerning her pregnancy, or supposed pregnancy, or to compel any woman before she shall be delivered to answer to any questions relating to her pregnancy; any law, usage, or custom, to the contrary notwithstanding.

The woman not to be examined relating to her pregnancy, till one month after her delivery.

[16 Geo. II. Cap. 18.]

An Act to empower Justices of the Peace to act in certain Cases relating to Parishes and Places, to the Rates and Taxes of which they are rated or chargeable.

"WHEREAS doubts have arisen whether, according to the laws and statutes now in force, His Majesty's justices of the peace may lawfully act in any case relating to the parishes or places to the rates and taxes of which such justices respectively are rated or chargeable;" may it please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to

Inter paroch. Great Charte et Kennington, M. 16 Geo. II. B. R. Burr. 9. c. 194.

and for all and every justice or justices of the peace for any county, riding, city, liberty, franchise, borough, or town corporate, within their respective jurisdictions, to make, do, and execute all and every act or acts, matter or matters, thing or things, appertaining to their office as justice or justices of the peace, so far as the same relates to the laws for the relief, maintenance, and settlement of poor persons; for passing and punishing vagrants; for repair of the highways; or to any other laws concerning parochial taxes, levies, or rates; notwithstanding any such justice or justices of the peace is or are rated to or chargeable with the taxes, levies, or rates within any such parish, township, or place affected by any such act or acts of such justice or justices as aforesaid.

Justices may enforce the laws relating to parish taxes, &c. though they are chargeable themselves.

II. And be it further enacted by the authority aforesaid, That no act or acts, matter or matters, thing or things, which hath or have been before the making this act done, made, or executed, by any such justice or justices of the peace, shall hereafter be quashed or declared void, because the same hath or have been so made, done, or executed by any such justice or justices, so rated or chargeable as aforesaid, any law, usage, or custom whatsoever to the contrary notwithstanding.

No act of justices heretofore done, shall be made void, because themselves are rated.

III. Provided always, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not authorize or impower any justice or justices of the peace for any county or riding at large, to act in the determination of any appeal to the quarter sessions for any such county or riding, from any order, matter, or thing relating to any such parish, township, or place, where such justice or justices of the peace is or are so charged, taxed, or chargeable as aforesaid; any thing herein contained to the contrary in any wise notwithstanding.

Proviso.

[17 Geo. II. Cap. 3.]

An Act to oblige Overseers of the Poor to give public Notice of Rates made for the Relief of the Poor, and to produce the same.

"WHEREAS great inconveniences do often arise in cities, towns corporate, parishes, townships, and places

places, by reason of the unlimited power of the churchwardens and overseers of the poor, who frequently, on frivolous pretences, and for private ends, make unjust and illegal rates in a secret and clandestine manner, contrary to the true intent and meaning of a statute made in the forty-
43 Eliz. c. 2. and-third year of the reign of Queen *Elizabeth*, intituled, *An act for the relief of the poor;*" for remedy whereof, and preventing the like abuses for the future, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of

Poors' rates to be published in the church.

the same, That from and after the first day of *May*, one thousand seven hundred and forty-four, the churchwardens and overseers, or other persons authorized to take care of the poor in every parish, township, or place, shall give, or cause to be given, public notice in the church, of every rate for the relief of the poor, allowed by the justices of peace, the next Sunday after the same shall have been so allowed; and that no rate shall be esteemed or reputed valid and sufficient so as to collect and raise the same, unless such notice shall have been given.

The rates to be inspected by any inhabitant, and copies taken.

II. And be it further enacted, That the churchwardens and overseers of the poor, or other persons authorized as aforesaid, in every parish, township, or place, shall permit all and every the inhabitants of the said parish, township, or place, to inspect every such rate at all seasonable times, paying one shilling for the same, and shall, upon demand forthwith give copies of the same, or any part thereof, to any inhabitant of the said parish, township, or place, paying at the rate of six-pence for every twenty-four names.

Penalty on not permitting any inhabitant to inspect, &c.

III. And be it further enacted, That if any churchwarden or overseer of the poor, or other person authorized as aforesaid, shall not permit any inhabitant or parishioner to inspect the said rates, or shall refuse or neglect to give copies thereof as aforesaid, such churchwarden or overseer, or other person authorized as aforesaid, for every such offence, shall forfeit and pay to the party aggrieved the sum of twenty pounds, to be sued for, and recovered by action of debt, bill, plaint, or information, in any of His Majesty's courts of record, wherein no essoin, protection, or wager of law, or more than one imparlance shall be allowed.

[17 Geo. II. Cap. 5.]

An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction.

"WHEREAS the number of rogues, vagabonds, beggars, and other idle and disorderly persons, daily increases, to the great scandal, loss, and annoyance of the kingdom;" for remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all persons who threaten to run away and leave their wives or children to the parish; and all persons who shall unlawfully return to such parish or place from whence they have been legally removed by order of two justices of the peace, without bringing a certificate from the parish or place whereunto they belong; and also all persons who, not having wherewith to maintain themselves, live idle without employment, and refuse to work for the usual and common wages given to other labourers in the like work, in the parishes or places where they then are; and also all persons going about from door to door, or placing themselves in streets, highways, or passages, to beg or gather alms in the parishes or places where they dwell, shall be deemed idle and disorderly persons: and it shall and may be lawful for any justice of the peace to commit such offenders, (being thereof convicted before him, by his own view, or by their own confession, or by the oath of one or more credible witness or witnesses) to the house of correction, there to be kept to hard labour for any time not exceeding one month: and it shall and may be lawful for any person to apprehend, and carry before a justice of the peace, any such persons going about from door to door, or placing themselves in streets, highways, or passages, to beg or gather alms in the parishes or places where they dwell; and if they shall resist, or escape from the person apprehending them, they shall be subject to the same punishment as rogues and vagabonds are made liable to by this act:

Particular offences and their punishments.

Offences a higher nature.

act: and it shall and may be lawful for the said justice, by warrant under his hand and seal, to order any overseer of the poor of the parish or place where such offender shall be apprehended, to pay the sum of five shillings to any person or persons in any such parish or place so apprehending them, for every offender so apprehended; which sum shall be allowed to such overseer in his account, he producing the justice's order, and a receipt under the hand of the person or persons to whom such sum was paid: but if such overseer shall neglect or refuse to pay the said sum, the said justice, on oath thereof made, may, by warrant under his hand and seal, order the same to be levied by distress and sale of the goods of such overseer; and the overplus (if any) after the charges of such distress satisfied, shall be returned to such overseer, who in such case shall not be allowed the sum so levied in his account.

Five shillings reward for apprehending offenders.

Penalty on overseer not paying the reward.

Other offences and their punishments.

II. And be it further enacted by the authority aforesaid, That all persons going about as patent gatherers, or gatherers of alms, under pretences of loss by fire, or other casualty; or going about as collectors for prisons, gaols, or hospitals; all fencers and bearwards; all common players of interludes; and all persons who shall, for hire, gain, or reward, act, represent, or perform, or cause to be acted, represented, or performed, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any part or parts therein, not being authorized by law; all minstrels, jugglers; all persons pretending to be gypsies, or wandering in the habit or form of Egyptians, or pretending to have skill in physiognomy, palmestry, or like crafty science, or pretending to tell fortunes, or using any subtile craft to deceive and impose on any of His Majesty's subjects, or playing or betting at any unlawful games or plays; and all persons who run away and leave their wives or children, whereby they become chargeable to any parish or place; and all petty chapmen and pedlars wandering abroad, not being duly licensed, or otherwise authorised by law; and all persons wandering abroad, and lodging in alehouses, barns, out-houses, or in the open air, not giving a good account of themselves: and all persons wandering abroad and begging, pretending to be soldiers, mariners, seafaring men, or pretending to go to work in harvest; and all other persons wandering,

wandering abroad and begging, shall be deemed rogues and vagabonds within the true intent and meaning of this act.

III. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to soldiers wanting subsistence, having lawful certificates from their officers or the secretary at war, or to mariners or seafaring men licensed by some testimonial or writing under the hand and seal of some justice of the peace, setting down the time and place of their landing or discharge, and the place to which such soldiers or mariners are to pass, and the names of the chief towns or places through which they are to pass, and limiting the time of such their passage, while they continue in the direct way to the place to which they are to pass, and during the time so limited; or to any person or persons going abroad to work at any lawful work in the time of harvest, so as he, she, or they carry with him, her, or them, a certificate in writing, signed by the minister and one of the churchwardens or chapelwardens, or one of the overseers of the poor for the time being, of the parish, chapelry, or place where they shall respectively inhabit, declaring that he, she, or they hath or have a dwelling-house or place there in which he, she, or they inhabit. Proviso.

IV. And be it further enacted by the authority aforesaid, That all end-gatherers offending against an act made in the thirteenth year of His late Majesty King *George* the First, intituled, *An act for the better regulation of the woollen manufacture, and for preventing disputes among the persons concerned therein; and for limiting a time for prosecuting for the forfeiture appointed by an act of the twelfth year of His Majesty's reign, in case of payment of the workmen's wages in any other manner than in money*, being convicted of such offence; and all persons apprehended as rogues and vagabonds, and escaped from the persons apprehending them, or refusing to go before a justice or justices of the peace, or to be examined upon oath before such justice or justices, or refusing to be conveyed by any such pass as is hereinafter directed, or knowingly giving a false account of themselves, on such examination, after warning given them of their punishment; and all rogues or vagabonds who shall break or escape out of any house of correction, before the expiration of the term for which they were committed or ordered to be confined by virtue of this act; and all persons who after having been punished Incorrigible rogues. 13 Geo. I. c. 23.

nished as rogues and vagabonds, and discharged, shall again commit any of the said offences, shall be deemed incorrigible rogues within the true intent and meaning of this act.

Any person may apprehend offenders.

V. And be it further enacted by the authority aforesaid, That if any person shall be found offending against this act, it shall and may be lawful for any person whatsoever to apprehend the person so offending, and to convey, or cause to be conveyed to some justice of the peace, the persons so apprehended, to be proceeded against in such manner as is hereinafter directed: and in case any constable, or other such officer, shall refuse or neglect to use his best endeavours to apprehend or convey to some justice of the peace, any such offender, it shall be deemed a neglect of duty in such constable or officer, and he shall be punished in such manner as is hereinafter directed: and in case any other person, being charged by any justice of the peace so to do, shall refuse or neglect to use his best endeavours to apprehend and deliver to the constable, or such other officer, or to carry such offender before such justice of the peace, where no constable or other such officer can be found; such person so offending as aforesaid, being therefore convicted upon view, or by the oath of one or more credible witness or witnesses, before one or more justice or justices of the peace, shall forfeit the sum of ten shillings, to the use of the poor of the parish or place wherein such offence shall be committed; to be levied by distress and sale of the offender's goods, by warrant from any justice or justices; and the overplus (if any) after the charges of such distress satisfied, shall be returned to such offender; and in case any person not being a constable or such other officer, shall apprehend any such rogue or vagabond, and shall deliver him or her to a constable or other such officer, or shall convey, or cause him or her to be conveyed to some justice or justices of the peace, according to the directions of this act; or if any constable or other such officer, shall so apprehend and convey such rogue or vagabond; it shall and may be lawful for such justice or justices to reward any such constable or other person, by making an order under hand and seal upon the high or chief constable, to pay the sum of ten shillings to the person so apprehending him or her, within one week after demand, and producing such order, and upon his giving a receipt for the same; and the same shall be allowed or paid by the treasurer

Penalty on officers neglecting their duty.

Reward for taking up vagabonds, &c.

of

of the county, riding, division, or liberty, to such high or chief constable on his passing his accounts, and delivering such order and receipt, and also his own receipt for the same, to such treasurer; and the same justices, at the general or quarter sessions, shall allow the same to such treasurer in his accounts, upon his producing and delivering up the vouchers aforesaid: and in cities, boroughs, towns corporate, and other places where there are no high or chief constables such petty constables and other officers shall pay or retain such reward, as aforesaid, and be allowed what they shall so pay or retain by virtue of this act in their respective accounts, upon their producing and delivering up the like vouchers: and in case any high or chief constable, or where there is no high or chief constable, such petty constable, or other officer, shall refuse or neglect to pay such reward on demand, it shall and may be lawful for such justice or justices of the peace, by warrant under hand and seal, to levy the sum of twenty shillings, by distress and sale of the goods of such officer, and thereout to allow to the person entitled thereto, the said reward of ten shillings, and such other recompence for his trouble, loss of time, and expences, as the said justice or justices shall think fit; and the overplus (if any) shall be returned to such officer upon demand.

Penalty on not paying the reward.

VI. And be it further enacted by the authority aforesaid, That the justices of the peace for every county, riding, city, borough, town corporate, division, or liberty, or any two of them, shall, four times in the year at least, or oftener (if need be), meet in their respective divisions, and by their warrant, command the constables or other peace officers of every hundred, parish, town, and hamlet in their several divisions, who shall be assisted with sufficient men of the same places, to make a general privy search in one night, throughout their several and respective limits, for the finding and apprehending of rogues and vagabonds; and every justice of the peace shall also, on receiving information that rogues and vagabonds are in any place within his jurisdiction, issue his warrant to the constable or other officer of such place, to search for and apprehend such rogues and vagabonds, and such rogues and vagabonds as they shall find and apprehend upon such searches, they shall cause to be brought before any justice or justices of the peace of the same county, riding, city, borough, town corporate, division, or liberty.

General privy searches to be made.

VII. And

Justices to punish vagabonds, &c. taken up at privy searches.

VII. And be it further enacted by the authority aforesaid, That where any rogues or vagabonds, apprehended by any constable, or such other officer or person as aforesaid, or upon such search as aforesaid, shall be brought before any justice or justices of the peace, it shall and may be lawful for such justice or justices, and he or they are hereby required, to inform himself or themselves, by the examination upon oath of the person or persons apprehended, or of any other person, of the condition and circumstances of the person or persons so apprehended, and of the parish or place where he, she, or they were last legally settled; the substance of which examination or examinations, shall be put into writing, and be subscribed or signed by the person or persons so examined; and the said justice or justices shall likewise sign the same, and transmit it to the next general or quarter sessions of the peace, to be holden for the same county, riding, city, borough, town corporate, division or liberty, there to be filed and kept on record; and such justice or justices of the peace shall and are hereby required to order all such persons so apprehended, to be publickly whipt by the constable, petty constable, or tythingman, or some other person to be appointed by such constable, petty constable, or tythingman, of such parish or place where such persons were apprehended; or to order such persons to be sent to the house of correction, there to remain until the next general or quarter sessions, or for any less time, as such justice or justices shall think proper; and after such whipping or confinement, such justice or justices may, and are hereby impowered, if they think convenient, by a pass under hand and seal in the manner and form hereinafter directed, to cause such persons to be conveyed to the place of their last legal settlement; but if it cannot be found, then to the place of their birth; or if such persons, or any of them, be under the age of fourteen years, and have any father or mother living, then to the place of the abode of such father or mother, there to be delivered to some churchwarden, chapelwarden, or overseer of the poor of such parish, town, or place; which pass shall be in the form or to the effect following:

Different sorts of vagabonds how to be passed.

To the constable of in the county of

[or to the tythingman, or other officer, as the case shall be, or if the offender is committed to the house of correction, then

then to the governor or master thereof] *And also to all constables and other officers whom it may concern, to receive and convey; and to the churchwardens chapelwardens, or overseers of the poor of the parish, town or place,* (as the case shall be) *of in the county of or either of them, to receive and obey.*

Form of the pass.

WHEREAS *was* (or were) *apprehended in the parish of* (or in the town of or other place, describing it) *as a rogue and vagabond,* or *as rogues and vagabonds,* videlicet, *wandering and begging there* (or as the case shall be) *and upon examination of the said taken before upon oath (which examination is hereunto annexed) it doth appear, that his,* her, or their *last legal settlement is at in this county,* (or, in the county of), *or, that the said was,* (or were) *born in the parish of in this county,* (or in the county of), *and hath* (or have) *not since obtained any legal settlement;* or, *that the said is* (or are) *under the age of fourteen years, and hath* (or have) *a father or mother living or abiding in the parish* (or town) *of* (or other place describing it.) *These are therefore to require you the said constable, or other officer* (or governor or master of the house of correction, as the case shall be) *to convey the said in the next direct way to the said parish* (or town) *of* (or other place) *within the said county, and there to deliver him* (her or them) *to some churchwarden, chapelwarden, or overseer of the poor of the same parish* (town or place) *to be there provided for according to law,* or in case the said parish, town, or place, to which such person or persons is or are to be sent, lies in some other county, riding, division, corporation, or franchise, having separate or general quarter sessions of the peace, then the form shall be as followeth, *videlicet, To convey the said to the parish* (or town) *of that being the first parish* (or town) *in the next precinct through which he* (she or they) *ought to pass in the direct way to the said parish* (or town) *of to which he* (she or they) *is* (or are) *to be sent, and to deliver him* (her or them) *to the constable, or other officer of such first town* (or parish) *in such next precinct, together with this pass, and the duplicate of the examination of the said taking his receipt for the same; and the said is* (or are) *to*

be thence conveyed on in like manner to the said parish (or town) *of there to be delivered to some churchwarden, chapelwarden, or overseer of the poor of the same parish* (town or place) *to be there provided for according to law; and you the said churchwardens, chapelwardens, and overseers of the poor, are hereby required to receive the said person* (or persons) *and provide for him* (her or them) *as aforesaid.*

Duplicate of the pass and examination to be filed at the next general or quarter sessions.

VIII. And be it further enacted by the authority aforesaid, That such justice or justices shall make, or cause to be made, a duplicate of such pass and examination, and sign the same: and shall afterwards transmit the duplicate of the said pass annexed to the examination, to the next general or quarter sessions of the peace, there to be filed and kept on record; and shall annex the duplicate of the examination to the pass, and send it with the same; and the said pass, examination, and duplicates thereof, shall and may be read in any court of record in *England*, *Wales*, or the town of *Berwick-upon-Tweed*, as evidence.

Power of justices over vagabonds and incorrigible rogues.

IX. And be it further enacted by the authority aforesaid, That where any offender against this act shall be committed, as aforesaid, to the house of correction, there to remain until the next general or quarter sessions; and the justices at such sessions shall, on examination of the circumstances of the case, adjudge such person a rogue or vagabond, or an incorrigible rogue; they may, if they think convenient, order such rogue or vagabond to be detained and kept in the said house of correction to hard labour, for any further time not exceeding six months, and such incorrigible rogue, for any further time, not exceeding two years, nor less than six months from the time of making such order of sessions; and during the time of such person's confinement, to be corrected by whipping, in such manner, and at such times and places within their jurisdictions, as, according to the nature of such person's offence, they in their discretion shall think fit; and such person may (if the justices at the said sessions shall think convenient) afterwards be sent away by such pass, *mutatis mutandis*, as aforesaid; and if such person being a male, is above the age of twelve years, the justices at their sessions may, and are hereby impowered, at any time before he is discharged from the house of correction, to send him to be employed in His Majesty's service, either by

sea or land, if they shall judge proper; and in case any such incorrigible rogue, so ordered by the said general or quarter sessions, to be detained and kept in the said house of correction, shall, before the expiration of the time for which he or she shall be so ordered to be there detained and kept, break out or make his or her escape from the said house of correction, or shall offend again in like manner; in every such case, every such person shall be deemed and taken to be guilty of felony, and being legally convicted thereof, shall and may be transported for any time not exceeding seven years, in the same manner as by the laws now in being other felons may be transported.

Justices to regulate the passes, by giving the officers certificates.

X. And to prevent unnecessary expence in the passing or conveying of rogues, vagabonds, and incorrigible rogues, Be it enacted by the authority aforesaid, That the justice or justices of the peace, who shall make the pass, shall, at the same time, with the said pass, cause likewise to be delivered to the constable, or other officer appointed to convey them, a note or certificate, ascertaining how they are to be conveyed, by horse, cart, or on foot, and what allowance such constable or other officer is to have for conveying them (according to the rates or allowances appointed by the general or quarter sessions of the peace, as is hereinafter directed) in the form, or to the effect following, *videlicet:*

Form of the certificates.

WHEREAS *by a pass* (reciting the substance or effect of the said pass) *I* (or we) *do hereby order and direct the said person* (or persons) *to be conveyed on foot* (or in a cart, or by horse, et cetera) *to the said town* (or parish) *of in* (or other place, describing it) *in the way to such parish* (town or place, as the case shall be) *in days time; for which the said constable* (et cetera) *is to be allowed the sum of and no more.*

Given under my hand *(or our hands)* this day, *et cetera.*

The duty of officers with such pass and certificate.

XI. And be it further enacted by the authority aforesaid, That the constable, or other officer, who shall receive such pass and certificate, shall, and is hereby required to convey, or cause to be conveyed, the person or persons named in such pass, in such manner, and in such time, as by the same pass shall be directed, the next direct way to the place where he,

Amended by 26 Geo. II. c. 34.

he, she, or they are ordered to be sent, if such place be in the same county, riding, division, corporation, or franchise, where the said person or persons were apprehended; but if the place to which the person or persons so apprehended is or are to be sent, lies in some other county, riding, division, corporation, or franchise, he shall deliver the said person or persons to the constable or such other officer of the first town, parish, or place, in the next county, riding, division, corporation, or franchise, in the direct way to the place to which such person or persons is or are to be conveyed, together with the said pass and duplicate of examination, taking his receipt for the same; and such constable or other officer shall, without delay, apply to some justice of the peace in the same county, riding, division, corporation, or franchise, who shall make the like certificate as before (*mutatis mutandis*) and deliver it to the said constable or other officer, who shall and is hereby required with all speed to convey the person or persons unto the first parish, town, or place, in the next county, riding, division, corporation, or franchise, in the direct way to the place to which such person or persons is or are to be conveyed; and so in like manner from one county, riding, division, corporation, or franchise, to another, till they come to the place to which such person or persons is or are sent; and the constable or other officer, who shall deliver such person or persons to the churchwarden or other person ordered to receive them by such pass, shall at the same time deliver the said pass, with the duplicate of examination, taking their receipt for the same; and if the churchwarden or other person, who shall receive any person so sent, shall think the examination to be false, he is hereby impowered to carry the person so sent before some justice of the peace, who, if he see cause, may commit such person to the house of correction, till the next quarter sessions, and the justices there, if they see cause, may deal with such person as an incorrigible rogue; but the person so sent shall not be removed from the place to which sent, but by order of two justices, in the same manner as other poor persons are removed to the place of their settlement.

Persons shall pay for their own passage if they are found able.

XII. "And whereas it often happens that persons commit acts of vagrancy when they are in circumstances sufficient to pay for their journey home:" Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any

justice of the peace, before whom any vagrants shall be carried, to order such vagrants to be searched, and their bundles to be inspected by the constable, tythingman, churchwarden, or overseer of the poor, in the presence of the said justice; and if it shall appear, that any such vagrant shall be found to have sufficient wherewithal to pay for their passage, either in the whole or in part, to the parish to which they belong, then the said justice or justices shall order so much of the money to be paid, or other effects found with or upon such vagrants, to be sold and employed for and towards the expence of taking up and passing such vagrants as aforesaid, returning the overplus (if any be), after deducting the charges of such sale, to such vagrants.

Regulations for passing vagrants into Scotland.

XIII. And be it further enacted by the authority aforesaid, That the constable or other officer of any parish or place, within the counties of *Cumberland*, *Northumberland*, *Durham*, or town of *Berwick-upon-Tweed*, shall, and they are hereby authorized and required, upon any person or persons being delivered to them by a pass and examination, who shall have been apprehended within the said counties or town, or brought to them according to the direction of this act, whose place of legal settlement is in that part of *Great Britain* called *Scotland*, to deliver the said examination to the clerk of the peace for such respective county, to be kept among the records of the sessions of that county, and to convey or cause to be conveyed such person or persons, with the said pass, into the next adjoining shire, stewartry, or place in that part of the united kingdom; and to deliver him, her, or them, to some constable or other officer of the next parish, district, or place within the said shire, stewartry, or place, taking his receipt for him, her, or them; and such officer is hereby required to receive such person or persons, and give such receipt, and to dispose of him, her, or them, according to law; and in case any such vagrant after being so sent and conveyed into that part of *Great Britain* called *Scotland*, shall, after being so sent as aforesaid, be found wandering, begging, or misbehaving him or herself within that part of *Great Britain* called *England*, contrary to the true intent and meaning of this act; every such person so offending, shall be deemed an incorrigible rogue, and be punished as incorrigible rogues are to be punished by this act.

XIV. "And whereas divers vagrants have been conveyed from county to county, in order to be sent to places in *Ire-*

land, the isles of *Man*, *Jersey*, *Guernsey*, or *Scilly*, (their last legal settlement), but for want of authority to compel masters of ships and vessels to take them on board, in order to be carried thither at reasonable rates, they may be very chargeable to the maritime counties, towns, and places in *England* and *Wales*, where they may lie for such exportation;" Be it therefore enacted by the authority aforesaid, That all and every master and masters of any ship or vessel, or pacquet boat bound for *Ireland*, the isles of *Man*, *Jersey*, *Guernsey*, or *Scilly*, shall, and they, and each of them is and are hereby required, upon warrant to him or them directed, under the hand and seal of a justice of the peace of the county, town, or place where such ship, vessel, or pacquet boat shall lie, to take on board the same such vagrant and vagrants as shall be named and expressed in the said warrant, and convey him, her, or them to such place in *Ireland*, the isles of *Man*, *Jersey*, *Guernsey*, or *Scilly*, as such ship, vessel, or pacquet boat shall be bound to, or shall arrive at; and for the charges thereof such master shall take, and the constable or person who serves him with the said warrant, shall pay him such rate *per* head as the justices of the peace at their quarter sessions shall from time to time appoint for every such vagrant so brought and delivered to him; and such master shall, and is hereby required, on the back of the said warrant, to sign a receipt for the money so paid, and also for the vagrant or vagrants so brought and delivered; which warrant so endorsed shall then be produced to the justice of the peace who signed and sealed the same, and upon his allowance thereof, under his hand, the money so paid shall be repaid by the county, in such manner as by this act the money to be paid for conveying vagrants from county to county is directed; and every master of such ship, vessel, or pacquet boat, neglecting or refusing to receive on board, or to transport such vagrant or vagrants, or to indorse and sign such receipt as aforesaid, shall forfeit five pounds to the use of the poor of the parish or place where the offence shall be committed; to be levied by distress and sale of the said ship, or any goods within the same, by warrant under the hand and seal of any justice of the peace for the same county, city, or town corporate, returning the overplus (if any be) upon demand, after the said penalty and charges of levying the same is satisfied.

Regulations for passing vagrants into Ireland, &c.

Penalty on masters of ships refusing to take vagrants on board.

XV. Pro-

Masters not obliged to take on board more than one vagrant for every 20 tons burthen.

XV. Provided always, and it is hereby declared, That no master of any such pacquet boat, ship, or vessel, shall be compelled to take on board more than one vagrant for every twenty tons burthen of any such boat, ship, or vessel.

Justices to limit the rates per mile for passing vagrants, &c.

XVI. And be it further enacted by the authority aforesaid, That the justices of the peace of any county, riding, city, borough, town corporate, division, or liberty, shall and may at the general or quarter sessions of the peace from time to time, limit, appoint, and direct what rates and allowances *per* mile, or otherwise, shall be made for the passing, conveying, or maintaining of rogues, vagabonds, or incorrigible rogues, to be passed or conveyed as aforesaid; and may likewise make such other orders, rules, and directions, for the more regular proceeding or acting therein, within their respective limits and jurisdictions, as they, in their discretion, shall think proper; which rates, allowances, orders, rules, and directions shall from time to time, be observed and submitted to by all justices of the peace, constables, officers, and other persons within the same limits and jurisdictions respectively.

The high constable to pay the rates to petty constables, &c. for passing vagrants.

XVII. And be it further enacted, That in case any petty constable, or other such officer of any parish or place, shall bring to any high or chief constable any such certificate as aforesaid, as shall be given him by any justice or justices of the peace for the proper county or place, ascertaining how and for what rates or allowances he shall be required to convey any rogues, vagabonds, or incorrigible rogues as aforesaid, together with a receipt or note from any constable or other officer or person to whom the person or persons so to be conveyed, was or were delivered, the said high or chief constable shall and may pay unto such petty constable or other officer the rates or allowances ascertained in and by such certificate, and no more, taking from such petty constable or other officer such certificate, and his receipt for the same; and the said high or chief constable shall be allowed the same by the treasurer of the county, riding, liberty, division, corporation, or franchise, on his passing his accounts, upon his producing and delivering up such certificate and receipt, and giving his own receipt for the same to such treasurer; and the justices at the general or quarter sessions shall allow the same to such treasurer in his accounts, upon his producing and delivering up the vouchers aforesaid: and in case any high or chief constable shall refuse or neglect to pay

Penalty on the high constable's re-

fusing to pay as directed by the justices' warrant.

the said petty constable, or other officer or person, the rates or allowances ascertained in and by such certificate and receipt, on demand; it shall and may be lawful for any justice or justices of the peace, by warrant under hand and seal, to levy double the sum ascertained by such certificate, by distress and sale of the goods of such high or chief constable, and thereout to allow the said petty constable, or other officer or person, the sum ascertained in and by such certificate and receipt, and such other recompence for his trouble, loss of time, and expences as the said justice or justices shall think fit; and the overplus (if any) shall be returned to such high or chief constable upon demand; and in cities, towns corporate, and other places, where there is no high or chief constable, such petty constables or other officers shall be allowed what they shall so pay pursuant to the directions of such certificate, in their respective accounts, upon their producing and delivering up such vouchers; or in case any governor or master of a house of correction shall deliver such certificate and receipt to any treasurer as aforesaid, such treasurer shall pay the rates therein ascertained to such governor or master of a house of correction, taking his receipt for the same, which shall be allowed to such treasurer in his accounts, on his producing and delivering up such vouchers.

Penalty on counterfeiting or altering certificates, receipts, or notes. Penalty on the officer not passing according to order; and on the officer's not receiving the pass. Manner of levying the penalty.

XVIII. Provided always, and be it further enacted by the authority aforesaid, That in case any such petty constable, or other officer, or governor, or master of any house of correction, shall counterfeit any such certificate, receipt, or note, or make, or knowingly permit to be made, any alteration in any such certificate, receipt, or note, he shall forfeit the sum of fifty pounds; and in case he shall not convey, or cause to be conveyed, the persons to the place where they ought to be conveyed, or shall not deliver them to the proper person; or if any constable, or other officer or person, shall refuse to receive any such persons sent to them, or to give a receipt or note as before directed; that in any of the said cases the constable or other officer or person, shall forfeit the sum of twenty pounds; which said respective forfeitures shall be levied by distress and sale of the offender's goods, by warrant or order of the justices of the peace, where such offence shall be committed, at their general or quarter sessions; one moiety to be paid to the person or persons who shall first make information against any such offender, and the other

moiety

moiety to be paid to the treasurer of the county or place, to be applied by him as part of the public stock; and the overplus (if any) after such forfeitures levied, and the charges of distress satisfied, shall be returned to such constable or other officer or person upon demand.

Vagabonds, &c. to be set to work.

XIX. And be it enacted by the authority aforesaid, That the parish or place to which any rogue, vagabond, or incorrigible rogue, shall be conveyed by pass as aforesaid, shall take care to employ in work, or place in some workhouse or almshouse, the person or persons so conveyed to them, until he, she, or they, shall betake themselves to some service or other employment: and in case any such person or persons shall refuse to work, or shall not betake themselves to some service or employment, the overseers of the poor of the same parish or place, or the major part of them, may cause such person or persons to be carried before some justice of the peace, in order to be sent to the house of correction, there to be kept to hard labour.

Lunatics to be confined by warrant of justices.

XX. "And whereas there are sometimes persons, who by lunacy, or otherwise, are furiously mad, or are so far disordered in their senses, that they may be dangerous to be permitted to go abroad," Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any two or more justices of the peace, where such lunatic or mad person shall be found, by warrant under their hands and seals, directed to the constables, churchwardens, and overseers of the poor of the parish, town, or place, or some of them, to cause such person so to be apprehended, and kept safely locked up in some secure place, within the county or precinct where such parish, town, or place, shall lie, as such justices shall, under their hands and seals, direct and appoint; and (if such justices find it necessary) to be there chained, if the last legal settlement of such person shall be in any parish, town, or place, within such county or precinct; and if such settlement shall not be there, then such person shall be sent to the place of his or her last legal settlement by a pass, *mutatis mutandis*, as aforesaid, and shall be locked up or chained, by warrant of two justices of the county or precinct to which such person is so sent, in manner aforesaid; and the reasonable charges of removing, and of keeping, maintaining, and curing such persons during such restraint (which shall be for and during such

Goods and estates of lunatics to be seized, to

pay the charge of their maintenance.

such time only as such lunacy or madness shall continue) shall be satisfied and paid (such charges being first proved upon oath) by order of two or more justices of the peace, directing the churchwardens or overseers where any goods, chattels, lands or tenements, of such person shall be, to seize and sell so much of the goods and chattels, or receive so much of the annual rents of the lands and tenements, as is necessary to pay the same, and to account for what is so seized, sold, or received, to the next quarter sessions: but if such person hath not an estate to pay and satisfy the same, over and above what shall be sufficient to maintain his or her family, then such charges shall be satisfied and paid by the parish, town, or place, to which such person belongs, by order of two justices, directed to the churchwardens or overseers for that purpose.

Otherwise at the charge of the parish.

Proviso.

XXI. Provided always, That this act, or any thing therein contained, shall not extend, or be construed to extend, to restrain or abridge the prerogative of the King, or the power or authority of the lord chancellor, lord keeper or commissioners of the great seal of *Great Britain* for the time being, or the chancellor, or vice chancellor of the county palatine of *Lancaster* for the time being, or of the chamberlain or vice chamberlain of the county palatine of *Chester* for the time being, touching or concerning such lunatics, or to restrain or prevent any friend or relation of such lunatics from taking them under their own care and protection; any thing in this act contained to the contrary notwithstanding.

Penalty on officers not doing their duty; and on persons hindering the execution of this act, or rescuing a prisoner.

XXII. And be it further enacted by the authority aforesaid, That in case any constable or other officer, or governor or master of any house of correction, shall be defective, remiss, or negligent in his duty, in the execution of this act, in any case for which no punishment is herein before particularly provided; or in case any person or persons shall disturb or hinder the execution of this act, or shall rescue any person apprehended, or passing from place to place by virtue thereof, or shall be advising, aiding, or assisting to his or her escape, and shall be thereof convicted upon the oath of one or more credible witness or witnesses, before one or more justice or justices of the peace, where such offence shall be committed (which oath the said justice or justices are hereby impowered to administer), the person or persons so offending, for every such offence shall forfeit any sum

not

not exceeding five pounds, nor less than ten shillings, to the use of the poor of the parish or place where such offence shall be committed; to be levied by distress and sale of the offender's goods, by warrant from such justice or justices, returning the overplus (if any be) upon demand, after the said forfeiture and charges of making and keeping the said distress shall be paid and satisfied; and if sufficient distress cannot be found, it shall and may be lawful to and for one or more such justice or justices to commit the persons so offending to the house of correction, there to be kept to hard labour for any time not exceeding two months.

To be levied by distress and sale, &c.

XXIII. "And whereas persons hereinbefore described to be rogues, vagabonds, or incorrigible rogues, are much encouraged in wandering about, by the reception they too often meet with in villages and places where they are permitted to lodge in houses, barns, or other out-houses or buildings, by means whereof, and their falling sick there, great expences are sometimes brought upon parishes;" for remedy thereof, be it enacted by the authority aforesaid, That if any person shall knowingly permit or suffer any such rogue, vagabond, or incorrigible rogue, to lodge or take shelter in his or her house, barn, or other out-house or buildings, and shall not apprehend and carry such rogue, vagabond, or incorrigible rogue, before some justice of the peace, or give notice to some constable, or other such officer so to do, such person being thereof lawfully convicted, either on confession, or upon oath of one or more credible witness or witnesses, before one or more of His Majesty's justices of the peace where such offence shall be committed, shall forfeit any sum not exceeding forty shillings, nor less than ten shillings; one moiety thereof to the informer, and the other moiety to the use of the poor of the parish or place where such offence shall be committed; to be levied by distress and sale of the goods and chattels of such offender, by warrant from such justice or justices, returning the overplus (if any) upon demand, after such forfeiture and charges of such distress shall be satisfied; and if any charge shall be brought upon any parish or place, by means of any such offence, the same shall be answered to the said parish or place by such offender, and be levied by distress and sale of his or their goods and chattels as aforesaid: and if sufficient distress cannot be found, such offender

Penalty for sheltering vagabonds.

fender shall be committed to the house of correction by the justice or justices, for any time not exceeding one month.

XXIV. " And whereas persons are often found offending against this act, having children with them, whom they bring up in a dissolute course of life, destructive to such children, and prejudicial to the kingdom, in which a race of disorderly persons will increase, if such children are suffered to remain with such offenders:" Be it therefore enacted by the authority aforesaid, That if any such child, above the age of seven years, shall be committed to the house of correction as aforesaid, it shall and may be lawful for the justices at the quarter sessions, if they see convenient, at any time before such child be discharged, to order such child to be placed out in such manner as they shall think fit, as a servant or apprentice to any person within their respective jurisdictions, who is willing to take such child, to serve such person till such child shall arrive at the age of twenty one years, or for any less time, as to the said justices shall seem meet: and if any offender, who was found with such child as aforesaid, shall be again found with the same child (which was so placed out as aforesaid) offending against this act, such offender shall be deemed an incorrigible rogue.

Beggars with children how to be ordered.

XXV. " And whereas women wandering and begging are often delivered of children in parishes and places to which they do not belong, whereby they become chargeable to the same," Be it therefore enacted by the authority aforesaid, That where any such woman shall be so delivered, and become chargeable, it shall and may be lawful for the churchwardens or overseers of the poor of such parish or place, to detain such woman in their custody, until they can safely convey her to some justice of the peace, who shall examine her, and commit her to the house of correction, until the next general or quarter sessions, who may (if they see convenient) order her to be publickly whipt, and detained in the house of correction, for any further time, not exceeding six months; and upon application by the churchwardens or overseers of the place where she was so delivered, the justices at such sessions shall order the treasurer of the county or district to pay them such a sum of money as shall be adjudged a reasonable satisfaction for the charges such place has been put to on such woman's account;

How to order women delivered of children in the street.

account; and if such woman shall be detained and conveyed to a justice as aforesaid, the child of which she is delivered, if a bastard, shall not be settled in the place where so born, nor be sent thither for want of other settlement, by a pass, by virtue of this act, but the settlement of such woman shall be deemed the settlement of such child; any law to the contrary notwithstanding.

Persons aggrieved may appeal to the next general or quarter sessions.

XXVI. And be it further enacted by the authority aforesaid, That any persons aggrieved by any act of any justice or justices of the peace out of sessions, in or concerning the execution of this act, may appeal to the next general or quarter sessions of the county, riding, liberty, or division, giving reasonable notice thereof, whose order thereupon shall be final.

This act not to alter the manner of passing vagrants, as settled by special acts.

XXVII. Provided always, and be it further enacted, That in all cities and towns, where, by virtue of special acts of parliament, the charge of passing vagrants is to be defrayed in other manner than is by this act directed, or where such vagrants, by virtue of special statutes, are to be apprehended and conveyed to the places whither they are to be sent by any person or persons, or officers, other than those named for that purpose in this act, such charge shall be borne and defrayed in such cities and towns in like manner as before the making of this act; and the person or officer liable to such service in the said cities and towns, by virtue of the said special acts of parliament, shall continue liable, as if this act had never been made; and if any person shall be delivered to a bedel or constable within the city or liberties of the city of *London*, to be conveyed on, as directed by this act, the said bedel or constable shall not deliver such person in any other precinct within the said city or liberties, but in the next county, as directed by this act.

How to order vagrants, whose settlements cannot be found.

XXVIII. And be it further enacted by the authority aforesaid, That where any persons offending against this act have been committed, as aforesaid, to the house of correction, there to remain until the next general or quarter sessions, if upon the examination of the person so committed as aforesaid, no place can be found to which they may be sent by a pass as aforesaid, the said justices shall, at the said sessions, order such persons to be detained and employed in the house of correction, until they can provide for themselves,

selves, or until the justices of the peace, at their general or quarter sessions, can place them out in some lawful calling, as servants, apprentices, soldiers, mariners, or otherwise, either within this realm, or His Majesty's colonies or plantations in *America*, which the said sessions are impowered to do in such manner as they shall think fit.

Proviso for the heirs or assigns of John Dutton.

XXIX. Provided always, That this act, or any thing therein contained, or any authority thereby given, shall not in any wise extend to disinherit, prejudice, or hinder the heirs or assigns of *John Dutton*, of *Dutton*, late of the county of *Chester*, esquire, deceased, their heirs or assigns, for, touching or concerning the liberty, privilege, pre-eminence or authority, jurisdiction or inheritance, which they, their heirs or assigns, now lawfully use or have, or lawfully may, or ought to use, within the county palatine of *Chester*, and county of *Chester*, or either of them, by reason of any ancient charters of any kings of this land, or by reason of any prescription, or lawful usage, or title whatsoever.

Clause concerning erecting or enlarging houses of correction.

XXX. And for the better execution of this act, be it further enacted by the authority aforesaid, That upon the presentment of the grand jury or grand juries at the assizes, great session, or general gaol delivery, held for any county or liberty, that there is no house of correction; and that it will be necessary to provide one or more house or houses of correction in any such county, or in any riding, liberty, or division, in any such county; or that the house or houses of correction already provided therein respectively, is or are not sufficient, and that it will be necessary to provide one or more house or houses of correction there, or that such house or houses of correction is or are not sufficient or convenient, or want to be enlarged; the justices of the peace of any county, riding, liberty, or division, being at the general or quarter sessions assembled, shall have full power and authority to build, erect, or enlarge, one or more fit or convenient house or houses of correction, or to buy or hire one or more fit or convenient house or houses for that purpose, with a convenient backside or outlet, or convenient backsides or outlets thereto adjoining, or to purchase land, and erect such house or houses of correction upon part thereof, and to lay out the rest of such land for such backside or backsides, outlet or outlets, within any such county, riding, liberty, or division, according to the true intent and effect

effect of such presentment; and the said justices, being so assembled at the general or quarter sessions, may and shall conclude and agree upon raising such sums of money, as upon examination of able and sufficient workmen, or any other persons, shall appear to be necessary for building, erecting, or enlarging such house or houses of correction, or for purchasing or hiring a house, houses, or land (if thought necessary) for that purpose; and if it shall be thought necessary for that purpose to buy or purchase any house, houses, or land, the house, houses, or land so purchased, shall be conveyed to such person or persons as the said justices, so assembled at their general or quarter sessions, shall think fit, in trust, and for the use and purposes aforesaid.

Houses of correction to be under the management of the justices;

except those maintained by private founders.

XXXI. And be it further enacted by the authority aforesaid, That the justices of the peace for any county, riding, city, borough, town corporate, division, or liberty, at their general or quarter sessions, shall and are hereby required, from time to time, to take effectual care that the houses of correction already provided, or hereafter to be provided, within the limits of their respective jurisdictions, except such houses of correction as have been, or shall be erected or maintained by any particular founder or founders, shall be duly fitted up, furnished, and supplied with sufficient implements, materials, and furniture, for keeping, relieving, setting to work, employing, and correcting all idle and disorderly persons, rogues, vagabonds, incorrigible rogues, and others, who shall be sent to, confined, or continued in, the same; and two of the justices of the peace within their respective hundreds, divisions, or jurisdictions, where there shall be any house or houses of correction, or any two justices who shall be appointed at the general or quarter sessions for that purpose, shall and are hereby required to visit the same twice, or oftener if need be, in every year, and to examine into the estate and management thereof, and to report the same to the next general or quarter sessions; to the intent, that if any thing be amiss therein, the same may, by order of such general or quarter sessions, be reformed and amended; and the said justices at their respective general or quarter sessions, shall have the like power and authority over the houses of correction to be erected or purchased by virtue of this act, as they have by virtue of any law now in

in force, over those already erected and provided; and further, that if the said governors or masters of the said houses of correction shall not set or keep the said idle and disorderly persons, rogues, vagabonds, or incorrigible rogues to hard labour, and punish and correct them according to the directions of the warrants or orders by which they shall be committed to, or detained in their custody, or shall otherwise misbehave themselves, or be defective, remiss, or negligent in their duty; the said justices, at their said general or quarter sessions, are hereby required to set and impose such fines and penalties upon them, as they shall think fit and convenient, in the same manner as fines and penalties may be set and imposed on governors or masters of houses of correction, for the neglect therein mentioned, by an act of parliament passed in the seventh year of the reign of King *James* the First, intituled, *An act for the due execution of divers laws and statutes heretofore made against rogues, vagabonds, and sturdy beggars, and other lewd and idle persons;* which fines and penalties shall be paid to the treasurer of the county, riding, liberty, or division, and shall be accounted for by him as part of the public or county stock; and the said justices, at their respective general or quarter sessions, may from time to time appoint and remove the governor or governors, master or masters, or other officers of such houses of correction, and make such orders and regulations as they shall think fit, for the better governing and regulating of the said houses of correction, and for employing, relieving, and punishing the persons therein, or for sending them to or from thence, according to the true intent and meaning of this act; which said order or orders of such justices shall be final to all intents and purposes, and no *certiorari* shall be granted for the removal of the same; and in case the person or persons removed by order of any general or quarter sessions, shall refuse or neglect to quit the possession of such house of correction, from whence he or they are ordered to be removed, for the space of ten days next after notice given him or them in writing by the clerk of the peace; it shall and may be lawful to and for any two or more justices of the peace of the same county, riding, division, or place (upon producing to them such order of sessions, or an attested copy thereof, and upon oath made before them by one or more credible witness or witnesses, of such notice having

Masters of houses of correction to be fined for misbehaviour;

7 Jac. I. c. 4.

or turned out at the discretion of the justices.

having been given to the person or persons so removed, and of his or their having refused or neglected to quit possession) by warrant under their hands and seals, to direct the sheriff of the same county, riding, division, or place, to remove him or them out of such house of correction, and he is hereby authorized and required to clear the possession thereof, in like manner as upon a writ of *Habere facias possessionem.*

XXXII. "And whereas doubts have arisen, and may arise, where authority is given to any justice or justices of the peace, to commit offenders to the house of correction for offences cognizable before them, out of the general or quarter sessions of the peace, how long offenders may be there detained, and in what manner treated, where the time and manner of their punishment is not by law expressly directed, limited, or appointed;" Be it therefore enacted by the authority aforesaid, That where any offenders shall be committed as aforesaid, by virtue of any law now in being, or hereafter to be made, and the time and manner of their punishment is not expressly limited, directed, and appointed, the said justice or justices shall commit such offender to the house of correction, there to be kept to hard labour until the next general or quarter sessions, or until discharged by due course of law; and it shall and may be lawful for two justices (of which the justice who committed such offender to be one) to discharge the said offender before the said sessions, if they see cause; and if he shall not be so discharged, the said sessions may either discharge him, or continue him in custody for such time as they shall see fit, not exceeding three months.

Power of justices in committing offenders.

XXXIII. And to defray the expences of apprehending, passing, conveying, and maintaining rogues, vagabonds, and incorrigible rogues, and likewise the expences of erecting, purchasing, hiring, enlarging, altering, and repairing houses of correction, and of purchasing land to erect them upon, and for backsides and outlets, and of fitting up and furnishing such houses of correction, and of sending persons to and from the same, and employing them there, according to the directions of this act, and for defraying all other expences necessary for the execution of this act, not hereinbefore provided for; Be it further enacted by the authority aforesaid, That the justices of the peace at the general or quarter sessions, may and shall cause such sums of money as shall be

Justices to raise money to defray all

expences, by rates as directed by 12 Geo. II. c. 29.

necessary for all or any of the purposes aforesaid, to be raised in the same manner as rates are directed to be raised by an act made in the twelfth year of the reign of his present Majesty, intituled, *An act for the more easy assessing, collecting, and levying of county rates.*

General issue.

Treble costs.

XXXIV. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued for any matter or thing which he or they shall do in execution of this act, he or they may plead the general issue, and give the special matter in evidence; and if a verdict shall pass for the defendant, or the plaintiff shall be nonsuited, or discontinue his suit, the defendant may recover treble costs; and that this act shall be deemed to commence from the first day of *June*, one thousand seven hundred and forty-four; and from that time an act made in the thirteenth year of the reign of His present Majesty, intituled, *An act for amending and enforcing the laws relating to rogues, vagabonds, and other idle and disorderly persons, and for reducing the same into one act of parliament; and also for amending the laws for erecting, providing, and regulating houses of correction*, shall be, and is hereby repealed; but all the acts therein mentioned to be repealed, are hereby declared to be repealed, and continue repealed.

Act 13 Geo. II. c. 24, repealed.

[17 Geo. II. Cap. 37.]

An Act to prevent Disputes touching the Parishes or Places where improved Wastes, and drained and improved Marsh Lands, shall be charged to Parochial Rates.

"WHEREAS in divers counties great quantities of waste and barren lands, and lands which were formerly fen or marsh ground, or covered with water, have been of late years improved or drained, and are now of very considerable annual value, and the inhabitants therein, and occupiers thereof, ought to bear and pay a proportionable part of the rates made for the relief of the poor, and to be subject to such charges, and in like manner as other inhabitants and occupiers of lands, houses, tythes impropriate, pro-

priations

priations of tythes, coal mines, and saleable underwoods, are, by an act made in the forty-third year of the reign of Queen *Elizabeth*, intituled *An act for the relief of the poor*, and likewise to bear and pay a proportionable part of all other parochial rates; but great difficulties frequently arise in determining to what parish or place such lands belong, or ought to be rated;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June*, one thousand seven hundred and forty-four, where there shall be any dispute or uncertainty in what parish or place such lands heretofore improved or drained, or hereafter to be improved or drained, lie, and ought to be rated; all and every the occupier and occupiers of such lands, or houses built thereon, tenements, tythes arising therefrom, mines therein, and saleable underwoods therein growing or hereafter to grow, shall be rated and assessed to the relief of the poor, and to all other parochial rates within such parish and place which lies nearest to such lands, in like manner and form, and subject to the same directions and regulations as all other lands within such parish and place are by law liable to be rated and assessed thereunto; and if on application to the officers of such parish or place to have such improved or drained lands rated and assessed as aforesaid, any dispute or difference shall arise touching what parish or place such lands ought to be rated and assessed in, it shall and may be lawful to and for the justices of the peace for the county, riding, liberty, or division, where such lands lie, at their next general or quarter sessions to be held for such county, riding, liberty, or division, after such application made as aforesaid, and after notice given to the officers of the several parishes and places abutting upon and joining to such lands, and to all other persons claiming and interested therein, to hear and determine the same on the appeal of any person interested, and at such sessions to cause such lands or hereditaments as aforesaid to be allotted to, and fairly and equally assessed in such parish or place as they shall see just and meet, and such determination and allotment shall at all times thereafter be final and conclusive to and upon the said several parishes and places, and all other persons whatsoever

43 Eliz. c 2.

Drained lands to pay parochial taxes.

Justices in general quarter sessions to hear and determine disputes.

as to the parish or place in which such lands and hereditaments shall be rated and assessed to the poor, and all other parochial rates as aforesaid; and the said lands and hereditaments shall at all times after such determination and allotment, be rated and assessed to the relief of the poor, and to all other parochial rates within such parish and parishes, place and places only, to which they shall respectively have been so allotted as aforesaid; any law, custom, or usage to the contrary in any wise notwithstanding.

II. Provided always, and it is hereby enacted and declared by the authority aforesaid, That nothing in this act contained, nor any allotment to be made by the justices of the peace at their general quarter sessions in pursuance and by virtue thereof, shall extend to, or be deemed or construed to extend to, or in any wise affect or determine the boundaries of any parish or parishes, place or places, to any intent or purpose, other than for the purpose of rating and assessing such lands, tenements, and hereditaments, to the relief of the poor, and to all other parochial rates within such parish or place to which they shall be so allotted as aforesaid; any thing herein contained to the contrary thereof in any wise notwithstanding.

III. Provided always, and be it declared, That nothing in this act shall extend, or be construed to extend to invalidate, make void, or in any wise alter a clause in an act of parliament made in the sixteenth and seventeenth year of the reign of King *Charles* the Second, intituled, *An act for draining of the fen called* Deeping Fen, *and other fens therein mentioned*, whereby it is enacted, That the trustees therein named, their heirs and assigns, or the survivor of them, their or any of their tenants, farmers, or ground holders of any part of the third part of the said fen, or of the five thousand acres therein mentioned, should not have any time hereafter, use or claim, any common of pasture, or other commonage of pasturing, in any part of the remainder of the said fens, nor any of them, nor in the north fen of *Pinchbeck* and *Spalding*, nor any part thereof, by virtue or pretence of his or their resiance there; but all and every the inhabitants that might thereafter be upon any part of the said third part, or upon any part of the said five thousand acres, and were not able to maintain themselves, should be maintained and kept by the said trustees, their heirs and assigns, and the survivor

16 & 17 Car. II. c. 11.

The poor to be maintained by the trustees.

of them, and never become chargeable in any kind to all or any the respective parishes wherein such inhabitant or inhabitants should reside or dwell; any statute or law to the contrary thereof in any wise notwithstanding.

[17 Geo. II. Cap. 38.]

An Act for remedying some Defects in the Act made in the Forty-third Year of the Reign of Queen Elizabeth, *intituled,* An Act for the Relief of the Poor.

"WHEREAS by reason of some defects in an act of parliament made in the three-and-fortieth year of the reign of the late Queen *Elizabeth*, intituled, *An act for the relief of the poor*, the money raised for that purpose is liable to be misapplied, and there is often great difficulty and delay in raising of the same;" for remedy whereof may it please Your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of *June*, one thousand seven hundred and forty-four, the churchwardens and overseers of the poor shall yearly and every year, within fourteen days after other overseers shall be nominated and appointed to succeed them, deliver in to such succeeding overseers, a just, true, and perfect account in writing, fairly entered in a book or books to be kept for that purpose, and signed by the said churchwardens and overseers hereby directed to account as aforesaid, under their hands, of all sums of money by them received, or rated, and assessed, and not received; and also of all goods, chattels, stock, and materials, that shall be in their hands, or in the hands of any of the poor, in order to be wrought, and of all monies paid by such churchwardens and overseers so accounting, and of all other things concerning their said office; and shall also pay and deliver over all sums of money, goods, chattels, and other things, as shall be in their hands, unto such succeeding overseers of the poor; which said account shall be verified by oath, or by the affirmation of persons called

43 Eliz. c. 2.

At what time parish officers shall make up their accounts.

Quakers, before one or more of His Majesty's justices of the peace, which said oath or affirmation such justice or justices is and are hereby authorized and required to administer, and to assign and attest the caption of the same, at the foot of the said account, without fee or reward; and the said book or books shall be carefully preserved by the churchwardens and overseers, or one of them, in some publick or other place in every parish, township, or place; and they shall and are hereby required to permit any person there assessed, or liable to be assessed, to inspect the same at all seasonable times, paying sixpence for such inspection, and shall, upon demand, forthwith give copies of the same, or any part thereof, to such person, paying at the rate of sixpence for every three hundred words, and so in proportion for any greater or less number.

Books may be inspected, paying 6d. and copies taken, paying 6d. for 300 words.

II. And it is hereby further enacted, That in case such churchwardens and overseers of the poor or any of them, shall refuse or neglect to make and yield up such account, verified as aforesaid, within the time hereinbefore limited, or appointed, or shall refuse or neglect to pay and deliver over such sum or sums of money, goods, chattels, and other things in their hands, as by this act is directed; in either of the said cases, it shall and may be lawful to and for any two or more justices of the peace, to commit him or them to the common gaol, until he or they shall have given such account, or shall have paid or yielded up such monies, goods, chattels, and other things in their hands as aforesaid.

Penalty on parish officers not accounting as this act directs.

III. And be it further enacted by the authority aforesaid, That if any such overseer shall die, or remove from the place for which he was appointed, or become insolvent, before the expiration of his office, on oath thereof made, it shall be lawful for two justices of the peace to appoint another overseer in his stead, who shall continue in office until new overseers are appointed; and if any overseer shall remove as aforesaid, he shall, before such removal, deliver over to some churchwarden, or other overseer of the same place, his accounts verified as aforesaid, with all rates, assessments, books, papers, sums of money, and other things concerning his office, under the like penalties as are inflicted by this act on an overseer refusing to do the same after the expiration of his office; and if any overseer shall die as aforesaid, his executors or administrators shall, within forty days after his decease, deliver over

On an overseer's dying, &c. two justices to choose another.

Overseer removing, shall deliver his accounts to the churchwardens, &c.

Executors of overseers to account in 40 days.

all things concerning his office to some churchwarden, or other overseer of the same place; and shall pay out of the assets left by such overseer, all sums of money remaining due, which he received by virtue of his said office, before any of his other debts are paid and satisfied.

Persons aggrieved may appeal to the quarter sessions.

IV. And be it further enacted, That in case any person or persons shall find him, her, or themselves aggrieved by any rate or assessment made for the relief of the poor, or shall have any material objection to any person or persons being put on, or left out of such rate or assessment, or to the sum charged on any person or persons therein, or shall have any material objection to such account as aforesaid, or any part thereof, or shall find him, her, or themselves aggrieved by any neglect, act, or thing done or omitted by the churchwardens and overseers of the poor, or by any of His Majesty's justices of the peace; it shall and may be lawful for such person or persons, in any of the cases aforesaid, giving reasonable notice to the churchwardens or overseers of the poor of the parish, township, or place, to appeal to the next general or quarter sessions of the peace for the county, riding, division, corporation, or franchise, where such parish, township, or place lies; and the justices of the peace there assembled, are hereby authorized and required to receive such appeal, and to hear and finally determine the same; but if it shall appear to the said justice, that reasonable notice was not given, then they shall adjourn the said appeal to the next quarter sessions, and then and there finally hear and determine the same; and the said justices may award and order to the party, for whom such appeal shall be determined, reasonable costs, in the same manner that they are impowered to do in case of appeals concerning the settlement of poor persons, by an act made in the eighth and ninth years of King *William* the Third, intituled, *An act for supplying some defects in the laws for the relief of the poor of this kingdom.*

8 W. III. c. 30.

Proviso for corporations, &c.

V. Provided always, That in all corporations or franchises, who have not four justices of the peace, it shall and may be lawful for any person or persons, in any of the cases aforesaid, where an appeal is given by this act, to appeal, if he or they shall think fit, to the next general or quarter sessions of the peace, for the county, riding, or division, wherein such corporation or franchise is situate.

VI. "And

VI. "And whereas it hath been held, that upon appeals from rates and assessments, the justices of the peace may not only quash the old rates, but make new rates and assessments, from which no appeal can be had:" Be it enacted by the authority aforesaid, That upon all appeals from rates and assessments, the justices of the peace (where they shall see just cause to give relief) shall and are hereby required to amend the same, in such manner only as shall be necessary for giving such relief, without altering such rates or assessments, with respect to other persons mentioned in the same; but if upon an appeal from the whole rate, it shall be found necessary to quash and set aside the same, then, and in every such case, the said justices shall, and are hereby required to order and direct the churchwardens and overseers of the poor to make a new equal rate or assessment, and they are hereby required to make the same accordingly.

How far justices shall give relief on appeals.

VII. And for the more effectual levying money assessed for the relief of the poor, be it enacted by the authority aforesaid, That the goods of any person assessed, and refusing to pay, may be levied by warrant of distress, not only in the place for which such assessment was made, but in any other place within the same county or precinct; and if sufficient distress cannot be found, within the said county or precinct, on oath made thereof before some justice of any other county or precinct (which oath shall be certified under the hand of such justice on the said warrant), such goods may be levied in such other county or precinct, by virtue of such warrant and certificate; and if any person shall find him or herself aggrieved by such distress as aforesaid, it shall and may be lawful for such person to appeal to the next general or quarter sessions of the peace for the county or precinct where such assessment was made, and the justices there are hereby required to hear and finally determine the same.

Clause relating to warrants of distress.

Appeal to quarter sessions.

VIII. And to prevent all vexatious actions against overseers of the poor, be it enacted by the authority aforesaid, That where any distress shall be made for any sum or sums of money, justly due for the relief of the poor, the distress itself shall not be deemed to be unlawful, nor the party or parties making it be deemed a trespasser or trespassers, on account of any defect, or want of form in the warrant for the

Clause to prevent vexatious actions against overseers.

the appointment of such overseers, or in the rate or assessment, or in the warrant of distress thereupon: nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio*, on account of any irregularity, which shall be afterwards done by the party or parties distraining, but the party or parties aggrieved by such irregularity, shall or may recover full satisfaction for the special damage, he, she, or they, shall have sustained thereby, and no more, in an action of trespass, or on the case, at the election of the plaintiff or plaintiffs.

Plaintiffs recovering, to have full costs.

IX. Provided always, That where the plaintiff or plaintiffs shall recover in such action, he, she, or they, shall be paid his, her, or their full costs of suit, and have all the like remedies for the same, as in other cases of costs.

Proviso in case of irregularity.

X. Provided nevertheless, That no plaintiff or plaintiffs shall recover in any action for any such irregularity as aforesaid, if tender of amends hath been made by the party or parties distraining, before such action brought.

Succeeding overseers to levy arrears, to reimburse the former.

XI. And be it further enacted by the authority aforesaid, That in case any person or persons shall refuse or neglect to pay to such overseers as aforesaid, any sum or sums of money that he, she, or they, shall be legally rated or assessed to, it shall and may be lawful to and for the succeeding overseers, and they are hereby required to levy such arrears, and out of the money so levied to reimburse their predecessors all sums of money which they have expended for the use of the poor, and which are allowed to be due to them in their accounts as aforesaid.

Clause concerning persons removing out of parishes.

XII. "And whereas persons frequently remove out of parishes and places without paying the rates assessed on them, and other persons do enter and occupy their houses and tenements part of the year, by reason whereof great sums are annually lost to such parishes and places;" Be it therefore enacted by the authority aforesaid, That where any person or persons shall come into, or occupy any house, land, tenement, or hereditament, or other premises, out of or from which any other person assessed shall be removed, or which at the time of making such rate was empty or unoccupied, that then every person so removing from, and every person so coming into or occupying the same, shall be liable to pay such rate in proportion to the time that such person occupied the same respectively, in the same manner, and under the like penalty of distress, as if such

such person so removing had not removed, or such person so coming in or occupying, had been originally rated and assessed in such rate; which said proportion, in case of dispute, shall be ascertained by any two or more of His Majesty's justices of the peace.

Copies of rates to be entered in a book,

XIII. And be it further enacted by the authority aforesaid, That true and just copies of all rates and assessments, hereafter to be made for the relief of the poor, be fairly wrote and entered in a book or books, to be provided for that purpose, by the churchwardens and overseers of the poor of every parish, township, or place, who shall take care that such copies be wrote and entered accordingly, within fourteen days after all appeals from such rates are determined, and shall attest the same by putting their names thereto; and all and every such book or books shall be carefully preserved by the churchwardens and overseers of the poor for the time being, or one of them, in some publick or other place, in every such parish, township, or place, whereto all persons assessed, or liable to be assessed, may freely resort, and shall be delivered over from time to time to the new and succeeding churchwardens and overseers of the poor, as soon as they enter into their said offices, to be preserved as aforesaid, and shall be produced by them at the general or quarter sessions, when any appeal is to be heard or determined.

to be kept for publick perusal.

Penalty on parish officers not obeying this act.

XIV. And be it further enacted by the authority aforesaid, That if any churchwarden, overseer of the poor, or other officer of any parish, township, or place, shall neglect or refuse to obey and perform the several orders and directions of this act, or any of them, where no penalty is before provided by this act, or shall act contrary thereto; every such churchwarden, overseer of the poor, or other officer so offending in the premises, shall, for every such offence, on oath thereof made, within two calendar months after the offence committed, before any two or more of his Majesty's justices of the peace, forfeit, for the use of the poor of such parish, township, or place, a sum not exceeding five pounds, nor less than twenty shillings, to be levied by distress and sale of the offender's goods, by warrant from such justices; which sum shall be paid to some churchwarden or overseer of the poor of such parish, township, or place, for the purpose aforesaid.

Power of overseers

XV. And be it further enacted by the authority aforesaid, That overseers of the poor, within every township or

place

place where there are no churchwardens, shall from time to time do, perform, and execute all and every the acts, powers, and authorities, concerning the relief of, and other matters and things relating to the poor, as churchwardens and overseers of the poor may do, perform, and execute by this act, or any former statute concerning the poor, and shall lose, forfeit, and suffer all such pains and penalties for neglect, abuse, or non-performance thereof, as churchwardens and overseers of the poor are liable to, by virtue of this or any former statute concerning the poor.

where there are no churchwardens.

[18 Geo. II. Cap. 22. Sects. 24, 25, & 26.]

An Act for giving further Time for the Payment of Duties omitted to be paid for the Indentures or Contracts of Clerks and Apprentices, and for the further enforcing the Payment of the said Duties.

XXIV. AND for the better enforcing the payment of the rates and duties directed to be levied and paid by the said former acts; it is hereby further enacted by the authority aforesaid, That from and after the twenty-fourth day of *June*, in the year of our Lord one thousand seven hundred and forty-five, if any master or mistress shall neglect to pay the said rates and duties for clerks, apprentices, or servants, within the respective times, in and by the former acts limited and appointed in that behalf, according to the true intent and meaning of the same, every such master or mistress shall, for every such neglect, forfeit and pay double the rates and duties charged and directed to be paid and levied by the said former acts, or either of them (over and above all penalties and forfeitures thereby inflicted) for all monies which shall at any time or times, after the said twenty-fourth day *June*, one thousand seven hundred and forty-five, be given, paid, contracted, or agreed for, with or in relation to every such clerk, apprentice, or servant; which said penalties and forfeitures, directed to be levied by this present act, shall be paid by the said masters or mistresses respectively, and shall be recovered, paid, and applied, in such and the same manner as any penalties and forfeitures inflicted by the said former acts, or either of them, are thereby directed to be recovered, levied, paid, or applied.

Further penalties for not paying the said duties.

how to be recovered.

XXV. And

Encouragement to clerks, apprentices, &c. to pay the duties on indentures, if not paid by masters, &c.

XXV. And it is hereby further enacted, That if any master or mistress of any such clerk, apprentice, or servant respectively, shall neglect to pay the said rates and duties so charged by the said former acts, or either of them, within the respective times therein limited in that behalf, whereby the penalties or forfeitures incurred by virtue of this act, will become charged upon, and be payable by them respectively; and any such clerk, apprentice, or servant respectively, shall, and do in that case pay, or cause to be paid, the rates and duties charged by the said former acts, or either of them: and also the penalties and forfeitures inflicted and incurred by this present act, at any time within one year after the same shall so respectively become charged, incurred, and made payable by virtue of this act, as aforesaid (such master or mistress not having then paid the said rates, duties, penalties, and forfeitures respectively, although required by such clerk, apprentice, or servant, so to do), then and in such case, it shall and may be lawful to and for any such clerk, apprentice, or servant, within three months after such payment of the said rates, duties, penalties, and forfeitures respectively, by him, her, or them, as aforesaid, to demand of his or her master or mistress, or his, her, or their executors or administrators, such sum or sums of money, as was or were paid to such master or mistress, for or in respect of such clerkship, apprenticeship, or servitude; and in case such sum or sums of money shall not be paid within three months after such demand thereof made, it shall and may be lawful to and for any such clerk, apprentice, or servant, to sue for and recover the same, with full costs of suit, against such master or mistress, his, her, or their executors or administrators, by action of debt, bill, plaint, or information, in any of His Majesty's courts of record at *Wesminster*, wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed; and every such clerk, apprentice, or servant, shall and may immediately after payment of such rates, duties, penalties, and forfeitures as aforesaid, be discharged from his, her, or their clerkship, apprenticeship, and service respectively; and from all actions, penalties, forfeitures and damages, for not serving the time for which he, she, or they were respectively bound, contracted for, or agreed to serve such master or mistress respectively.

XXVI. Pro-

XXVI. Provided always, and it is hereby further enacted and declared, That every such clerk, apprentice, or servant, shall avail him or herself, and have such and the same benefit and advantage of the time he or she shall respectively have continued with, and served such master or mistress respectively, as he or she could or might have done, in case of any assignment or turning over to any new or other master or mistress.

Such clerks, &c. to have the same benefit as any cases of turning over.

[20 Geo. II. Cap. 19.]

An Act for the better adjusting and more easy Recovery of the Wages of certain Servants; and for the better Regulation of such Servants, and of certain Apprentices.

"WHEREAS the laws now in being, for the better regulation of servants, and for the payment of wages to them, and to artificers, handicraftsmen, and labourers, are insufficient and defective:" for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fifth day of *March*, which will be in the year of our Lord one thousand seven hundred and forty-seven, all complaints, differences, and disputes, which shall happen or arise between masters and mistresses, and servants in husbandry, who shall be hired for one year or longer, or which shall happen or arise between masters and mistresses, and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers employed for any certain time, or in any other manner, shall be heard and determined by one or more justice or justices of the peace, of the county, riding, city, liberty, town corporate, or place, where such master or mistress shall inhabit, although no rate or assessment of wages has been made that year by the justices of the peace of the shire, riding, or liberty, or by the mayor, bailiffs, or other head officer, where such complaints shall be made, or where such differences or disputes shall arise; which said justice or justices is and are hereby impowered to examine upon oath, any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, or any other

Preamble.

Differences between masters and certain servants to be determined by a justice of the peace where the master resides.

Justices to examine servants, &c. upon oath, and make order for payment of

wages due, if under a certain sum.

other witness or witnesses, touching any such complaint, difference, or dispute, and to make such order for payment of so much wages, to such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, as to such justice or justices shall seem just and reasonable, provided that the sum in question do not exceed ten pounds with regard to any servant, nor five pounds with regard to any artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer; and in case of refusal or non-payment of any sums so ordered, by the space of one-and-twenty days next after such determination, such justice and justices shall and may issue forth his and their warrant to levy the same by distress and sale of the goods and chattels of such master, or mistress, or person employing such artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, rendering the overplus to the owners, after payment of the charges of such distress and sale.

On nonpayment, to be levied by distress and sale.

Justices to hear masters complaints, on oath;

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for such justice or justices, upon application or complaint made, upon oath, by any master, mistress, or employer, against any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer, touching or concerning any misdemeanor, miscarriage, or ill behaviour, in such his or her service or employment (which oath such justice or justices is and are hereby empowered to administer) to hear, examine, and determine the same; and to punish the offender by commitment to the house of correction, there to remain and be corrected, and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by abating some part of his or her wages, or by discharging such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer, from his, her, or their service or employment; and in like manner also it shall and may be lawful to and for such justice or justices, upon any complaint or application, upon oath, by any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, against such master, mistress, or employer, touching or concerning any misusage, refusal of necessary provision, cruelty, or other ill treatment of, to, or towards such servant, artificer, handicraftsman, miner,

and to punish the offender, by commitment, abatement of wages, or dismission.

Justices to hear servant's complaints on oath,

miner, collier, keelman, pitman, glassman, potter, or other labourer, and to summon such master, mistress, or employer, to appear before such justice or justices, at a reasonable time to be prefixed in such summons; and such justice or justices shall and may examine into the matter of such complaint, whether such master, mistress, or employer shall appear or not; proof being made, upon oath, of his or her being duly summoned; and upon proof thereof made, upon oath, to his or their satisfaction, to discharge such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, of and from his said service and employment; which discharge shall be given under the hand and seal, or hands and seals of such justice or justices *gratis*.

and to summon the master, &c.

and upon satisfactory proof, to discharge the servant.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any two or more such justices, upon any complaint or application by any apprentice put out by the parish, or any other apprentice, upon whose binding out no larger a sum than five pounds of lawful *British* money was paid, touching or concerning any misusage, refusal of necessary provision, cruelty, or other ill-treatment of or towards such apprentice, by his or her master or mistress, to summon such master or mistress to appear before such justices, at a reasonable time to be named in such summons; and such justices shall and may examine into the matter of such complaint; and upon proof thereof made, upon oath, to their satisfaction (whether the master or mistress be present, or not, if service of the summons be also, upon oath, proved) the said justices may discharge such apprentice, by warrant or certificate under their hands and seals; for which warrant or certificate no fees shall be paid.

Justices, upon complaint of certain apprentices,

to summon the master, &c.

and upon satisfactory proof, to discharge the apprentice.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for such justices, upon application or complaint made, upon oath, by any master or mistress, against any such apprentice, touching or concerning any misdemeanor, miscarriage, or ill behaviour, in such his or her service (which oath such justices are hereby empowered to administer) to hear, examine, and determine the same, and to punish the offender by commitment to the house of correction, there to remain and be corrected, and held to hard labour, for a reasonable time, not exceeding one calendar month, or otherwise by discharging such apprentice, in manner and form before mentioned.

Justices upon complaint of masters against apprentices,

and proof, upon oath, to punish the offender by commitment, &c.

V. Pro-

Persons aggrieved may appeal.

Exception.

V. Provided nevertheless, That if any person or persons shall think himself, herself, or themselves aggrieved by such determination, order, or warrant of such justice or justices as aforesaid (save and except any order of commitment), he, she, or they may appeal to the next general quarter sessions of the peace to be held for the county, riding, liberty, city, town corporate, or place where such determination or order shall be made; which said next general quarter sessions is hereby impowered to hear and finally determine the same, and to give and award such costs to any of the respective persons, appellant or respondent, as the said sessions shall judge reasonable, not exceeding forty shillings; the same to be levied by distress and sale, in manner before mentioned.

Costs not to exceed 40s.

Writ of certiorari not issuable.

VI. Provided also, and be it further enacted by the authority aforesaid, That no writ of *certiorari*, or other process, shall issue or be issuable to remove any proceedings whatsoever, had in pursuance of this act, into any of His Majesty's courts of record at *Westminster*.

Stannaries of Devon and Cornwall not included in this act.

VII. Provided always, That nothing in this act contained shall extend to the stannaries in the counties of *Devon* and *Cornwall*.

[20 Geo. II. Cap. 45. Sects. 5, 6, 7, & 8.]

An Act to give further Time for the Payment of Duties omitted to be paid for the Indentures or Contracts of Clerks and Apprentices, and for better securing the Payment of the said Duties.

Upon payment of double duties and tender of the contracts to be stamped within two years after the end of the apprenticeship, &c.

V. AND it is hereby further enacted, That from and after the twenty-fourth day of *June*, one thousand seven hundred and forty-seven, if any master or mistress, who by reason of such neglect as aforesaid, shall become liable to forfeit and pay the said double rates and duties as aforesaid, shall respectively pay the said double rates and duties unto the person or persons to whom the same ought to be paid in pursuance of the said former acts, and also tender the indentures or contracts to be stamped at any time within two years after

after the end or determination of the apprenticeship or service of any such clerk, apprentice, or servant respectively, and before any suit or prosecution shall have been commenced for recovering any of the penalties and forfeitures inflicted and incurred by the said former acts, or any of them, then, and in such case, the indentures or contracts of such clerk, apprentice, or servant respectively, shall be good and available in law and equity, and may be given in evidence in any court whatsoever; and the clerks, apprentices, or servants therein named, shall be capable of following and exercising their respective intended trades or employments, as fully as if the rates and duties so omitted, had been duly paid within the respective times in the said former acts, or any of them, limited or appointed; and all and every person and persons, who shall have incurred any penalties by the omissions aforesaid, upon payment of such double rates or duties as aforesaid, within the respective times herein last before limited in that behalf, shall be, and they are hereby acquitted and discharged of and from the said penalties and forfeitures; any thing in the said former acts, or any of them, contained to the contrary notwithstanding.

the contracts to be good, &c.

Penalties incurred for omissions discharged upon payment of double duties.

VI. And it is hereby further enacted, That if any master or mistress shall, by reason of any such neglect as aforesaid, become liable to forfeit and pay such double rates and duties as aforesaid, and any such clerk, apprentice, or servant respectively shall and do, at any time after such forfeiture incurred, either in the presence of one or more credible witness or witnesses, or by writing under the hand of such clerk, apprentice, or servant respectively, signed in the presence of one or more credible witness or witnesses, require his or her master or mistress respectively to pay the said double rates or duties so incurred as aforesaid, and such master or mistress shall not, within three months after such request, pay the same, and any such clerk, apprentice, or servant shall at any time within two years after the determination of his clerkship, apprenticeship, or servitude, pay the said double rates and duties so forfeited and incurred, and not paid by his or her master or mistress respectively as aforesaid, then, and in such case, it shall and may be lawful to and for any such clerk, apprentice, or servant, within three months after such payment of the said double rates and duties by him, her, or them, as aforesaid, to demand of his or her master or mistress, or his, her, or their executors or administrators,

Apprentices, &c. paying the double duties forfeited by their masters, &c.

to be reimbursed double the sum paid in re-

spect of such apprentice-ship, &c.

administrators, double the sum or sums of money, or other consideration respectively given, paid, and agreed, or contracted to be paid to such master or mistress, for or in respect of such clerkship, apprenticeship, or servitude; and in case such sum or sums of money shall not be paid within three month after such demand thereof made, it shall and may be lawful to and for any such clerk, apprentice, or servant, to sue for and recover the same, with full costs of suit against such master or mistress, his, her, or their executors, or administrators, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; and every such clerk, apprentice, or servant, so paying such double rates or duties as aforesaid, shall and may, immediately after payment thereof respectively, and upon signifying, by writing under his or her hand, that he or she desires to be discharged from his, her, or their clerkship, apprenticeship, and service respectively, shall be accordingly discharged from the same respectively, and from all actions, penalties, forfeitures, and damages, for not serving the time for which he, she, or they were respectively bound, contracted for, or agreed to serve such master or mistress respectively.

with costs;

and be discharged from their apprentice-ship, if they require it;

and to have the same benefit of their service, as if they had been turned over.

VII. Provided always, and it is hereby further enacted and declared, That every such clerk, apprentice, or servant, shall avail him or herself, and have such and the same benefit and advantage of the time he or she shall respectively have continued with and served such master or mistress respectively, as he or she could or might have done, in case of any assignment or turning over to any new or other master or mistress.

Apprentices paying the double rates where prosecutions are commenced against their masters, to be qualified to follow their trades, &c.

VIII. Provided always, That in case where any prosecution shall be commenced against any master or mistress, for recovering any of the penalties and forfeitures inflicted and incurred by the said former acts, or any of them, the clerk, apprentice, or servant of such master or mistress respectively, shall pay such double rates and duties, at any time within two years after the end of his, her, or their clerkship, apprenticeship, or servitude; and every such clerk, apprentice, or servant respectively, shall, upon payment of such double rates and duties as aforesaid, be capable and qualified to follow and exercise his, her, and their respective trades and employments;

and the indentures or contracts of such clerk, apprentice, and servant respectively, shall be good and available in law and equity, and may be given in evidence in any court whatsoever: any thing in this or the said former acts, or any of them, contained to the contrary notwithstanding.

[24 Geo. II. Cap. 44.]

An Act for the rendering Justices of the Peace more safe in the Execution of their Office; and for indemnifying Constables and others acting in Obedience to their Warrants.

"WHEREAS justices of the peace are discouraged in the execution of their office by vexatious actions brought against them for or by reason of small and involuntary errors in their proceedings; and whereas it is necessary that they should be, (as far as is consistent with justice, and the safety and liberty of the subjects over whom their authority extends) rendered safe in the execution of the said office and trust: and whereas it is also necessary that the subjects should be protected from all wilful and oppressive abuse of the several laws and statutes committed to the care and execution of the said justices of the peace;" Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June*, one thousand seven hundred and fifty-one, no writ shall be sued out against, nor any copy of any process, at the suit of a subject, shall be served on any justice of the peace for any thing by him done in the execution of his office, until notice in writing of such intended writ or process shall have been delivered to him, or left at the usual place of his abode, by the attorney or agent for the party who intends to sue or cause the same to be sued out or served, at least one calendar month before the suing out or serving the same; in which notice shall be clearly and explicitly contained the cause of action which such party hath or claimeth to have against

No writ to be sued against any justice for what he shall do in the execution of his office, 'till notice given him;

such justice of the peace; on the back of which notice shall be indorsed the name of such attorney or agent, together with the place of his abode, who shall be entitled to have the fee of twenty shillings for the preparing and serving such notice, and no more.

he may tender amends;

II. And be it further enacted, That it shall and may be lawful to and for such justice of the peace, at any time, within one calendar month after such notice given as aforesaid, to tender amends to the party complaining, or to his or her agent or attorney; and in case the same is not accepted,

and plead the same in bar, &c.

to plead such tender in bar to any action to be brought against him, grounded on such writ or process, together with the plea of not guilty, and any other plea with the leave of the court, and if upon issue joined thereon the jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become nonsuit, or shall discontinue his or her action, or in case judgment shall be given for such defendant or defendants upon demurrer, such justice shall be intitled to the like costs as he would have been intitled unto in case he had pleaded the general issue only; and if upon issue so joined the jury shall find that no amends were tendered, or that the same were not sufficient, and also against the defendant or defendants on such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, which he or she shall recover, together with his or her costs of suit.

Plaintiff not to recover without proof of such notice.

III. And be it further enacted, That no such plaintiff shall recover any verdict against such justice in any case where the action shall be grounded on any act of the defendant, as justice of the peace, unless it is proved upon the trial of such action that such notice was given as aforesaid; but in default thereof such justice shall recover a verdict and costs as aforesaid.

Justice may pay into court, before issue joined, such sum as he shall think fit.

IV. And be it further enacted by the authority aforesaid, That in case such justice shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he shall see fit; whereupon such proceedings, orders, and judgments shall be had, made, and given in and by such court, as in

other actions where the defendant is allowed to pay money into court.

Evidence not to be given of any cause, but such as is contained in the notice.

V. And be it further enacted, That no evidence shall be permitted to be given by the plaintiff on the trial of any such action as aforesaid, of any cause of action, except such as is contained in the notice hereby directed to be given.

Action not to be brought against any constable acting in obedience to Justices' warrant, till demand made of the copy of the warrant, and refusal thereof, &c.

VI. And be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, one thousand seven hundred and fifty-one, no action shall be brought against any constable, headborough, or other officer, or against any person or persons acting by his order and in his aid, for any thing done in obedience to any warrant under the hand or seal of any justice of the peace, until demand hath been made or left at the usual place of his abode, by the party or parties intending to bring such action, or by his, her, or their attorney or agent, in writing, signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of six days after such demand; and in case after such demand and compliance therewith, by shewing the said warrant to, and permitting a copy to be taken thereof by the party demanding the same, any action shall be brought against such constable, headborough, or other officer, or against such person or persons acting in his aid for any such cause as aforesaid, without making the justice or justices who signed or sealed the said warrant, defendant or defendants, that on producing and proving such warrant at the trial of such action, the jury shall give their verdict for the defendant or defendants, notwithstanding any defect of jurisdiction in such justice or justices; and if such action be brought jointly against such justice or justices, and also against such constable, headborough, or other officer, or person or persons acting in his or their aid as aforesaid, then on proof of such warrant the jury shall find for such constable, headborough, or other officer, and for such person and persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against the justice or justices, that in such case the plaintiff or plaintiffs shall recover his, her, or their costs against him or them, to be taxed in such manner by the proper officer, as to include such costs as such plaintiff or plaintiffs are liable to pay to such defendant or defendants for whom such verdict shall be found as aforesaid.

Where the judge shall certify the cause of action was wilfully committed, plaintiff to recover double costs.

VII. Provided always, That where the plaintiff in any such action against any justice of the peace shall obtain a verdict, in case the judge before whom the cause shall be tried, shall in open court certify on the back of the record that the injury for which such action was brought was wilfully and maliciously committed, the plaintiff shall be entitled to have and receive double costs of suit.

Limitation of actions.

VIII. Provided also, and be it enacted by the authority aforesaid, That no action shall be brought against any justice of the peace for any thing done in the execution of his office, or against any constable, headborough, or other officer or person acting as aforesaid, unless commenced within six calendar months after the act committed.

[26 Geo. II. Cap. 27.]

An Act to confirm certain Acts and Orders made by Justices of the Peace being of the Quorum, *notwithstanding any Defect in not expressing therein that such Justices of the Peace are of the* Quorum.

"WHEREAS authority is given by divers acts of parliament to two or more justices of the peace, whereof one or more are to be of the *quorum:* And whereas divers acts, orders, adjudications, warrants, confirmations of indentures, and other instruments done, made, and executed, by two or more justices of the peace, without expressing that they are, or that one of them is, of the *quorum*, have been, and may be, for that reason only impeached, set aside, and vacated;" Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June*, in the year one thousand seven hundred and fifty-three, no act, order, adjudication, warrant, indenture of apprenticeship, or other instrument already made, done, or executed, or hereafter to be made, done, or executed, by two or more justices

No act or order of two or more justices to be vacated for defect only,

tices of the peace, which doth not express that one or more of the justices is or are of the *quorum*, shall be impeached, set aside, or vacated, for that defect only; any law, statute, or usage to the contrary notwithstanding.

in not expressing that one or more of such justices are of the quorum.

[27 Geo. II. Cap. 20. Sect. 1, 2.]

An Act for the more easy and effectual proceeding upon Distresses to be made by Warrants of Justices of the Peace.

"WHEREAS by many acts of parliament, justices of the peace are impowered to issue warrants for the distress and sale of goods and chattels, but the charges of distraining, keeping, and sale of such goods and chattels are not provided for in all the said acts, nor is there a time in all cases limited for the sale thereof, whereby inconveniences have arisen;" Therefore, for remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in all cases where any justice or justices of the peace is, or are, or shall be, required or impowered by any act or acts of parliament now in force, or hereafter to be made, to issue a warrant of distress for the levying of any penalty inflicted, or any sum of money directed to be paid, by or in consequence of such act or acts, it shall and may be lawful for the justice or justices granting such warrant, therein to order and direct the goods and chattels so to be distrained, to be sold and disposed of, within a certain time to be limited in such warrant, so as such time be not less than four days, nor more than eight days, unless the penalty or sum of money for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, be sooner paid.

Justices to limit in their warrants of distress the time for sale of the distress,

not less than 4, nor more than 8 days.

II. And be it further enacted, That the officer making such distress shall and is hereby impowered to deduct the reasonable charges of taking, keeping, and selling such distress,

Officer to deduct the charges of keeping and selling.

tress, out of the money arising by such sale; and the overplus (if any) after such charges, and also the said penalty or sum of money shall be fully satisfied and paid, shall be returned on demand to the owner of the goods and chattels so distrained; and the officer executing such warrant, if required, shall shew the same to the person whose goods and chattels are distrained, and shall suffer a copy thereof to be taken.

Overplus to be returned.

[31 Geo. II. Cap. 11.]

An Act to amend an Act made in the Third Year of the Reign of King William *and Queen* Mary, *intituled,* An Act for the better Explanation, and supplying the Defects of the former Laws for the Settlement of the Poor, *so far as the same relates to Apprentices gaining a Settlement by Indenture; and also to impower Justices of the Peace to determine Differences between Masters and Mistresses, and their Servants in Husbandry, touching their Wages, though such Servants are hired for less Time than a Year.*

"WHEREAS by an act made in the third year of the reign of King *William* and Queen *Mary*, intituled, *An act for the better explanation, and supplying the defects of the former laws for the settlement of the poor*, it is enacted, That if any person shall be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement; and whereas since the making the said act, great numbers of persons have been unwarily bound apprentices by certain deeds, writings, or contracts, not indented, by which binding many of them have suffered great loss and damage, on account of their having been refused a settlement in such town or parish, where they have been so bound, and resided forty days, and have been removed to the parish or place where their last legal settlement was before such apprenticeship,

ship, where they have had no encouragement to exercise their trades, or opportunity to gain a livelihood by their said trades, to which they were so bound apprentices:" For relief therefore of such apprentices, and for preventing the like mischief for the future, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person who shall have been bound an apprentice, or who shall hereafter be bound an apprentice, by any deed, writing, or contract, not indented, being first legally stamped, shall be liable to be removed from the town, parish, or place, where he or she shall have been so bound an apprentice, and resident forty days, by virtue of any order of removal, granted by two justices of the peace, of any county, riding, division, city, borough, town corporate, or place; or by virtue of any order of the justices at their general or quarter sessions, by reason or on account of such deed, writing, or contract, not being indented only.

Person bound apprentice by deed, &c. though not indented, being first duly stamped, is intitled to a settlement where apprenticed.

II. Provided nevertheless, That nothing hereinbefore enacted shall extend, or be construed to extend, to set aside or make void any judgment, order, or decree, which shall have been made as aforesaid, before the first day of *May*, one thousand seven hundred and fifty-eight.

Judgment, &c to the contrary made before 1 May, 1758, not to be avoided hereby.

III. " And whereas by an act passed in the twentieth year of his present Majesty's reign, intituled, *An act for the better adjusting and more easy recovery of the wages of certain servants, and for the better regulation of such servants, and of certain apprentices;* it is enacted, That from and after the twenty-fifth day of *March*, one thousand seven hundred and forty-seven, all complaints, differences, and disputes, which shall arise between masters or mistresses, and servants in husbandry, who shall be hired for one year or longer, or which shall happen or arise between masters and mistresses, and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers, employed for any certain time, or in any other manner, shall be heard or determined by one or more justice or justices of the peace, for the place where such master or mistress shall inhabit; and whereas doubts have arisen whether the words any labourers employed for any certain time, or in any other manner, extend to servants in husbandry hired for a less

Act 20 Geo. II.

Recited act extended to servants employed in husbandry, though hired for a less time than a year.

a less time than one year; for obviating the said doubts, be it enacted by the authority aforesaid, That the said act, and all and every clause and matter therein contained, shall, from and after the said first day of *May*, one thousand seven hundred and fifty-eight, be deemed and construed to extend to all servants employed in husbandry, though hired for a less time than one year: any thing in the said recited act of the twentieth year of his present Majesty's reign, or any other act contained to the contrary notwithstanding.

[2 Geo. III. Cap. 22.]

An Act for the keeping regular, uniform, and annual Registers, of all Parish Poor Infants under a certain Age, within the Bills of Mortality.

"WHEREAS the keeping regular, uniform, and annual registers of all parish poor infants under four years of age, within the bills of mortality, may be a means of preserving the lives of such infants;" May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the churchwardens and overseers of the poor of every parish within the bills of mortality, or some one or more of them, shall, on or before the first day of *July*, in the present year, one thousand seven hundred and sixty-two, provide, or cause to be provided, at the expence of their respective parish, one book of *royal* paper; and the book belonging to such respective parish wherein there is or shall be any workhouse, hospital, or other house or place provided for the maintenance of the poor, shall, in every page, be ruled with distinct columns, and the title of each column shall be wrote or printed in such page, agreeable to the schedule hereunto annexed, marked (A); and the book belonging to each respective parish, wherein there is not, nor shall be, any such workhouse, hospital-house, or place, shall, in every page, be ruled with distinct columns, and the title of each column shall be wrote or printed in such page, agreeable to the schedule hereunto annexed, marked (B).

A register book is to be provided in every parish, by 1 July, 1762;

That for any parish wherein there is a workhouse, &c. is to be ruled and distinguished into columns according to the annexed schedule marked (A); and that where there is no such workhouse, &c. according to the schedule marked (B).

II. And be it further enacted by the authority aforesaid, That the said churchwardens and overseers of the poor, or some one or more of them, shall enter, or cause to be entered, in the book belonging to their respective parish, and provided in pursuance of this act, all the infants under the age of four years, which, on the said first day of *July*, shall be in the workhouse or workhouses, hospital or hospitals, or other house or houses, place or places, provided for the maintenance

All infants under 4 years of age, which shall be in any such workhouse, &c.

or under the care of the church-wardens or overseers of the poor on the said 1 July, shall be entered

nance of the poor of each parish respectively, or under the care of the said churchwardens or overseers of the poor, with the times when they were received, their names, age, and whatever description relates to them, as far as can be traced, being agreeable to the schedules annexed.

agreeable to the said schedules;

as shall also all infants under the said age which shall be brought to the workhouse, or be under the care of the churchwardens, after the said day.

III. And be it enacted by the authority aforesaid, That from and after the said first day of *July*, all infants under the age of four years, who shall be brought to any workhouse, or hospital-house, or place provided for the maintenance of the poor, or be under the care of the said churchwardens or overseers of the poor, in their respective parishes, or any of them, shall be, by the said churchwardens or overseers of the poor, or some one or more of them, or by the direction or command of some one or more of them, entered regularly in the book aforesaid, with the times of their admittance, and all circumstances relating to them, agreeable to the titles and heads of the columns in the said schedules mentioned and set forth.

The first annual register is to commence on the said 1 July, and end on 31 Dec. ensuing; and afterwards

IV. And be it further enacted by the authority aforesaid, That the first annual register hereby intended and directed to be kept, shall commence on the said first day of *July*, and shall end on the thirty-first day of *December* ensuing; and, after that time, the said annual register shall commence the first day of *January*, and end the thirty-first day of *December* following.

to commence on 1 Jan. and end on 31 Dec. following.

At the expiration of each year, all infants under the age aforesaid then living and registered, and not discharged, shall be transferred to the register for the ensuing year, previous to any further entry;

V. And be it further enacted by the authority aforesaid, That after the expiration of each year, the names of all the infants under four years of age, then living and registered in the said annual registers, and not discharged from being under the care of the churchwardens or overseers of the poor, shall be transferred to the registers for the year ensuing, under their proper dates of reception, and under the description in which they stand in the preceding registers, previous to any further entry; so that each annual register shall contain a full and distinct register of the whole number of infants under the age above-mentioned, under the care of the parish at that time, as well as the children received under the said age, in the current year, without being intermixed or blended with the deaths or discharges of any in the preceding years.

VI. And

and be signed by the vestry, churchwardens, overseers, vestry clerk, and master of the workhouse, where there are any such.

VI. And be it further enacted by the authority aforesaid, That the said annual registers, and every of them, shall be signed within thirty days after the expiration of each respective year, by the vestry, or any five of them, and by the churchwardens, overseers, vestry clerk, and master of the workhouse for the time being; and where there is no vestry or vestry clerk, by the churchwardens, overseers, and master of the workhouse; and where there is no master of the workhouse, by the churchwardens and overseers of the poor.

Infants received before baptized, or known to be so, shall be baptized within 14 days after; and be named, if not known, by the churchwardens and overseers, and registered accordingly; and they may be distinguished by affixing some mark to them.

VII. And be it further enacted by the authority aforesaid, That in case any infant is received into the workhouse, or under the care of the said churchwardens or overseers of the poor, before the said infant is baptized, or known to be baptized, due care shall be taken to baptize the same within fourteen days after the reception of such infant, so that the christian and the true surname, if known, and, if not known, a surname to be given by the churchwardens and overseers of the poor, or any one of them, be regularly entered in the said book; and the name and surname of such infant shall also be registered in the parish register of such parish: and in case of a difficulty of distinguishing children, some proper mark shall be affixed to the child's cloaths, or hung round his or her neck.

Children whose parents receive money from the parish towards their support, are not included in the act.

VIII. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to such children whose parents receive money from the parish in aid of the maintenance and support of such children, they not being in the workhouse or other parish house.

Copy of the register is to be laid monthly before the vestry;

IX. And be it further enacted by the authority aforesaid, That a copy of the said register wrote up, from time to time, shall, every month, be laid by the vestry clerk, or other person appointed for that purpose, before the respective vestries, or other parochial meetings assembled in vestry, that the same may be revised by them.

and at the end of every year, a copy for the year to be deposited in the vestry room;

X. And be it further enacted by the authority aforesaid, That the said copy of the register being completed at the end of the year, shall be deposited in the vestry room, or other place of parochial meetings, to remain there for the use of the vestry-men, or other parochial meetings.

XI. And

and the original is to be preserved with the parish books;

XI. And be it further enacted by the authority aforesaid, That the original register book shall remain and be carefully preserved and kept with the rest of the parish books in the hands of the parish officers for the time being.

and signed copies of the several registers for the respective parishes are to be delivered yearly by 15 Feb. to the clerk of the company of parish clerks; for which he is to give a receipt;

XII. And be it further enacted by the authority aforesaid, That all the respective parishes within the bills of mortality by the hand of their vestry clerk, or, where there is no vestry clerk, by the hands of the churchwardens, or one of them, shall, on or before the fifteenth day of *February* in every year, deliver fair copies of their respective registers of children under the age of four years, signed in manner hereby directed, into the hands of the clerk of the master, wardens, and court of assistants of the company of parish clerks, or such person as the said master, wardens, and court of assistants of the said company, shall appoint, he returning a receipt for the same signed by himself.

and is to cause the said copies to be bound up in alphabetical order;

XIII. And be it further enacted by the authority aforesaid, That the said clerk, or other person appointed by the said master, wardens, and court of assistants of the said company, shall receive the said copies of registers, and cause the same to be bound in a book, collecting and ranging together the registers of the ninety-seven parishes within the walls of the city of *London*, those of the seventeen parishes without the walls of the city of *London*, those of the twenty-three parishes in *Middlesex* and *Surrey*, and those of the ten parishes in the city and liberty of *Westminster*, in alphabetical order; and in this order he shall, on or before the twenty-fifth day of *March* in every year, make out, or cause to be made out, one general abstract of the same.

and make out from thence one general abstract by 25 March, yearly;

and deposit the said abstract, bound up with the registers, with the master and wardens of the company;

XIV. And be it further enacted by the authority aforesaid, That the said registers of the respective parishes, together with the said general abstract, being bound in a book together, shall remain deposited in the hands and custody of the said master, wardens, and court of assistants of the said company of parish clerks.

and he is to print the said abstract, and deliver 6 copies thereof, for the use of each parish, to the re-

XV. And be it further enacted by the authority aforesaid, That the said clerk, or other person appointed by the said master, wardens, and court of assistants of the said company of parish clerks, shall print, or cause to be printed, the said general abstract, and deliver six copies thereof to every vestry clerk, or to one of the churchwardens, of all the respective

tive parishes within the bills of mortality, for the use of the parishioners and parish officers.

spective vestry clerks or church-wardens;

XVI. And be it further enacted by the authority aforesaid, That for and in consideration of the expence and trouble of receiving the said copies of registers, making an exact abstract thereof, binding the registers and abstracts in a book to remain as a depositary of the same, printing the general abstract, distributing the copies thereof, with other contingent expences relating to the same, each parish shall, by the hands of the vestry clerk or churchwarden, pay into the hands of the clerk or other person appointed by the said master, wardens, and court of assistants of the said company of parish clerks, the sum of fifteen shillings at the time the said copies of registers are delivered to him, he passing a receipt for the same.

for all which he is to be paid by each such vestry clerk, or churchwarden, on delivery of the said copies, 15s. passing a receipt for the same.

XVII. And be it further enacted by the authority aforesaid, That if any churchwarden, overseer of the poor, vestryman, clerk of the vestry, master of the workhouse, master or warden of such company of parish clerks, or any clerk of such company, or any other person or persons, shall neglect his duty as directed in and by this act, such churchwarden, overseer of the poor, clerk of the vestry, or master of the workhouse, master or warden of such company of parish clerks, or such clerk of such company, person or persons, shall, for every offence, forfeit and pay to the informer the sum of forty shillings; to be recovered before any one of His Majesty's justices of the peace, and to be levied by distress and sale of the goods and chattels of the offender, by virtue of a warrant under the hand and seal of such justice before whom the same shall be recovered, directed to any constable or other peace officer.

Churchwardens and others neglecting their duty in the premisses, forfeit to the informer 40s. for every offence;

to be recovered by distress and sale, by warrant of a justice.

SCHEDULE

SCHEDU

ANNUAL REGISTER of the PARISH POOR, (under Four Year
of the PARISH of (where there is a Workhouse) according to the

Name of the Child. If a Foundling, mark . . . F If a Bastard . . B If a Casualty . C If the same Child is taken a second Time, mark the second Entry of the Name . 2 If a third Time &c. 3	Age real or reputed. Years . Y Months . M Days . D			If born in the Workhouse, when.	If not born in the Workhouse, when admitted.	Name of the Person by whom sent If by an Officer, mark the Name O If by the Father . . F If by the Mother . . M	If money be received with any Child, what sum.			When died in the Workhouse.	When disc from t Workho If nursed Mother, m
	Y	M	D								

e) from the Day of to the of
Parliament of the Second of His Majesty King GEORGE the Third.

moved or Passed, to what Place.	When delivered from the Workhouse to the Father, Mother or other Person. If to the Father, mark . . . F If to the Mother M If to any other Person, mention his or her Name.	Nurse's Name to whom delivered to be nursed. If a wet Nurse, mark . . . W If a dry Nurse . D If the Nurse dies, or is changed, write the Name of the new Nurse under the former.	Place where the Nurse lives.	Price of Nursing each Week.	Bounty to Nurses.	If died at Nurse, when.	If taken from Nurse, when. If brought to the Workhouse, mark . . W If delivered to the Mother, mark . . M If to the Father . . F If to any other Person, mention his or her Name.

SCHEDUL

ANNUAL REGISTER of the PARISH POOR (under Four Years
of the PARISH of (where there is not a Workhouse) according to

Name of the Child. If a Foundling mark F If a Bastard . . B If a Casualty . . C If the same Child taken in a second time, mark the second Entry of the Name . . 2 If a third time . 3 &c.	Age real or reputed. Years . Y Months . M Days . . D	When received under the Care of the Parish. If born of a Mother under the Care of the Parish, mark the Date.	Name of the Person by whom sent If by an Officer of the Parish, mark the Name . . . O If by the Father . F If by the Mother . M	If Money be received with any Child, what Sum.	Name of the Perso whom the Child received on the Pari account.
	Y M D				

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ct of Parliament of the Second of His Majesty King GEORGE the Third.

removed or passed, to what Place.	Nurse's Name to whom delivered to be nursed. If a wet Nurse . . W If a dry Nurse . . D If the Nurse dies or changed, write the Name of the new Nurse under the former. If nursed by the Mother . . . . M	Place where the Nurse lives.	Price of Nursing per Week.	Bounty to Nurses.	If died at Nurse, when.	When delivered to the Father, Mother, or other Person If to the Father, mark . . . . F If to the Mother . M If to any other Person, mention his or her Name.

[Anno

Clause in act 9 Annæ.

XVIII. "AND whereas by an act of parliament made in the ninth year of the reign of Her late Majesty Queen *Anne*, intituled, *An act for the laying certain duties upon candles; and certain rates upon monies to be given with clerks and apprentices, towards raising Her Majesty's supply for the year one thousand seven hundred and ten*, the duty, rate, or sum of six-pence, for every twenty shillings of every sum of fifty pounds or under; and the duty, rate, or sum of one shilling, for every twenty shillings of all and every sum and sums amounting to more than fifty pounds, which should be given, paid, contracted, or agreed for, with, or in relation to, every clerk, apprentice, or servant, which should be, within the kingdom of *Great Britain*, put or placed to or with any master or mistress, to learn any profession, trade, or employment, and proportionably for greater or lesser sums, was charged and imposed on the said masters or mistresses respectively; and whereas great inconveniences arise in collecting the said duties, for want of proper entries being made and kept by the chamberlain and other proper officers of cities and corporate towns, and companies, of the names of the master or mistress, and clerk, apprentice, or servant; the place of abode of such master or mistress; the date of the indenture, covenant, articles, or contract; the sum of money given, paid, contracted, or agreed for, and the profession, trade, or employment, which such clerk, apprentice, or servant, is to learn;" for remedying whereof, be it further enacted and declared by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-five, every chamberlain and other proper officer of every city and corporate town, and company within the kingdom of *Great Britain*, where any clerk or apprentice, or servant, obtains his freedom by servitude, shall fairly write and enter into some book or books to be kept for that

Where the freedom of any city or company is obtained by servitude, the chamberlain, or other proper officer, is to

that purpose, the names of all such clerks, apprentices, and servants, as shall be put or placed out within the jurisdiction of such city or town corporate, and also the names and places of abode of the masters or mistresses, and the sums of money given, paid, contracted, or agreed for, with, or in relation to, such clerks, apprentices or servants, and the profession, trade, or employment, which they are respectively to learn; and the dates of the indentures, covenants, articles, or contracts, by which such clerks, apprentices, or servants, are respectively put and placed out; and if any chamberlain or other proper officer shall neglect or refuse to make any such entry, in manner as above set forth, he shall, for every such offence, forfeit the sum of twenty pounds.

enter the names of all persons put out clerks, apprentices, or servants, with the names and abode of the masters, the apprentice fees, and dates of the indentures, &c. on forfeiture of 20l.;

XIX. And be it further declared and enacted by the authority aforesaid, That all printed indentures, covenants, articles, or contracts, for binding clerks or apprentices in *Great Britain*, after the said fifth day of *July*, one thousand seven hundred and sixty-five, shall have the following notice or memorandum printed under the same; *videlicet*,

and the following notice to be printed under all printed indentures, &c.

THE *indenture, covenant, article, or contract, must bear date the day it is executed, and what money or other thing is given or contracted for with the clerk or apprentice, must be inserted in words at length; and the duty paid to the stamp office, if in* London, *or within the weekly bills of mortality, within one month after the execution, and if in the country, and out of the said bills of mortality, within two months, to a distributor of the stamps, or his substitute; otherwise the indenture will be void, the master or mistress forfeit fifty pounds, and another penalty, and the apprentice be disabled to follow his trade or be made free.*

The notice,

And if any printer, stationer, or other person or persons, shall sell, or cause to be sold, any such indenture, covenant, article, or contract, without such notice or memorandum being printed under the same; then, and in every such case, such printer, stationer, or other person or persons, shall, for every such offence, forfeit the sum of ten pounds.

on forfeiture of 10l.

XLI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures inflicted, imposed, or to incur, by this act, not hereinbefore otherwise disposed of, shall go and be paid, the one moiety thereof to His Majesty, his heirs and successors, and the other moiety thereof to the

Distribution of the penalties and forfeitures not otherwise disposed of; to be

recovered with full costs.

person or persons who shall inform or sue for the same, in any court of record, with his or their full costs of suit, by action of debt, bill, plaint, or information, wherein no essoin, protection or wager of law, or any more than one imparlance shall be allowed.

[6 Geo. III. Cap. 25.]

An Act for better regulating Apprentices, and Persons working under Contract.

"WHEREAS persons employed in several manufactories of this kingdom frequently take apprentices who are very young, and, for several years of their apprenticeships, are rather a burthen than otherwise to their masters; and whereas it frequently happens that such apprentices, when they might be expected to be useful to their masters, absent themselves from their service; and whereas the laws in being are not sufficient to prevent these inconveniences:" for remedy whereof, may it please Your Majesty that it may be enacted, and be it enacted by The King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June*, one thousand seven hundred and sixty-six, if any apprentice shall absent himself from his master's service, before the term of his apprenticeship shall be expired, every such apprentice shall, at any time or times thereafter, whenever he shall be found, be compelled to serve his said master for so long a time as he shall have so absented himself from such service, unless he shall make satisfaction to his master for the loss he shall have sustained by his absence from his service; and so, from time to time, as often as any such apprentice shall, without leave of his master, absent himself from his service before the term of his contract shall be fulfilled; and in case any such apprentice shall refuse to serve as hereby required, or to make such satisfaction, to his master,

Justices impowered to oblige apprentices absenting before the expiration of his apprenticeship, to serve for such term as he shall absent,

or to make satisfaction;

ter, such master may complain, upon oath, to any justice of the peace of the county or place where he shall reside, which oath such justice is hereby impowered to administer, and to issue a warrant under his hand and seal, for apprehending any such apprentice; and such justice, upon hearing the complaint, may determine what satisfaction shall be made to such master by such apprentice; and in case such apprentice shall not give security to make such satisfaction according to such determination, it shall and may be lawful for such justice to commit every such apprentice to the house of correction, for any time not exceeding three months.

except as to apprentices paying 10l. fee;

II. Provided always, That nothing in this act contained shall extend to any apprentice, whose master shall have received with such apprentice the sum of ten pounds.

or where 7 years shall have elapsed.

III. Provided also, That no apprentice shall be compelled to serve for any time or term, or to make any satisfaction to any master, after the expiration of seven years next after the end of the term for which such apprentice shall have contracted to serve; any thing herein contained to the contrary notwithstanding.

IV. "And whereas it frequently happens that artificers, calico printers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, labourers, and others, who contract with persons for certain terms, do leave their respective services before the terms of their contracts are fulfilled, to the great disappointment and loss of the persons with whom they so contract:" for remedy whereof, be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, one thousand seven hundred and sixty-six, if any artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall contract with any person whomsoever for any time or times whatsoever, and shall absent himself from his service before the term of his contract shall be compleated, or be guilty of any other misdemeanour; that then, and in every case, it shall and may be lawful for any justice of the peace of the county or place where any such artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall be found; and such justice is hereby authorised and impowered, upon complaint thereof made upon oath to him by the person with whom such artificer, calico printer, handicraftsman, miner,

Justices empowered to grant warrants against artificers and others not fulfilling their contract, or being guilty of any misdemeanor.

collier, keelman, pitman, glassman, potter, labourer, or other person, shall have so contracted, or by his or her steward or agent, which oath such justice is hereby impowered to administer, to issue his warrant for the apprehending every such artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, and to examine into the nature of the complaint; and if it shall appear to such justice that any such artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall not have fulfilled such contract, or hath been guilty of any misdemeanor, it shall and may be lawful for such justice to commit every such person to the house of correction for the county or place where such justices shall reside, for any time not exceeding three months, nor less than one month.

and upon conviction to commit the offender.

V. Provided always, That if any person shall think himself aggrieved by such determination, order, or warrant, of any justice of the peace as aforesaid, except an order of commitment, every such person may appeal to the next general quarter sessions of the peace to be held for the county or place where such determination or order shall be made; such person giving six days notice of his intention of bringing such appeal, and of the cause and matter thereof, to such justice of the peace, and the parties concerned, and entering into a recognizance within three days after such notice, before some justice of the peace for such county or place, with sufficient surety, conditioned to try such appeal at, and abide the order or judgment of, and pay such costs as shall be awarded by, the justices at such quarter sessions; which said justices, at their said sessions, upon due proof of such notice being given, and of entering into such recognizance as aforesaid, shall, and are hereby directed to proceed in, hear, and determine the causes and matters of all such appeals: and shall give such relief and costs to the parties appealing or appealed against, as they, in their discretion, shall judge proper and reasonable; and their judgments and orders therein shall be final and conclusive to all parties concerned.

Persons aggrieved by the order of a justice, (except in cases of commitment) may appeal; giving notice to the justice, and entering into recognizance, &c.

Justices at the quarter sessions impowered to determine the appeal, and award costs.

VI. Provided also, That nothing in this act contained shall extend to the stannaries in the counties of *Devon* and *Cornwall*, or to impeach or lessen the jurisdiction of the chamberlain of the city of *London*, or of any other court within the said city, touching apprentices.

Limitation of this act with respect to the stannaries, and city of London.

[7 Geo. III. Cap. 21.]

An Act to obviate Inconveniences which may arise with respect to the Execution of several Acts of Parliament in such Cities, Boroughs, Towns Corporate, Franchises, and Liberties, as have only one Justice of the Peace of the Quorum *qualified to act within the same.*

"WHEREAS authority is given by divers acts of parliament to two or more justices of the peace, whereof one or more are to be of the *quorum*: and whereas many inconveniences have arisen in such cities, boroughs, towns corporate, franchises, and liberties, as have only one justice of the peace of the *quorum*, qualified to act within the same:" Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this present act, all acts, orders, adjudications, warrants, indentures of apprenticeship, or other instruments, which shall be made, done, or executed, by virtue of any act or acts of parliament made or to be made, by two or more justices of the peace qualified to act within such cities, boroughs, towns corporate, franchises, and liberties, though neither of the said justices are of the *quorum*, shall be valid and effectual in law, to all intents and purposes, as if one of the said justices had been of the *quorum:* any law, statute, or usage, to the contrary notwithstanding.

Two or more justices, tho' not of the quorum, impowered to carry certain acts into execution.

[7 Geo. III. Cap. 39.]

An Act for the better Regulation of the Parish Poor Children, of the several Parishes therein mentioned, within the Bills of Mortality.

"WHEREAS it would greatly tend to the preservation of the lives of the infant parish poor of the several parishes hereafter mentioned, and be of publick utility, if

if the officers of such parishes were compelled by law to send such infant poor into the country, to be nursed for a certain time; and proper persons appointed guardians in each parish, to inspect into the management and usage of such infants; and whereas the keeping registers of such infant poor, until they shall respectively arrive at the age of fourteen years, be placed out apprentice, or otherwise disposed of, would be a further means of preserving the lives of such infants:" May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this parliament assembled, and by the authority of the same, That all and every child and children who on or before the first day of *July*, one thousand seven hundred and sixty-seven, was or were born in, or received into any workhouse or parish-house, or which shall thereafter be born in any workhouse or parish-house, or received by any select vestries, governors, directors, or managers, appointed for the management of parochial affairs, or by any churchwardens, overseers of the poor, or other officer or officers authorized by the several parishes following, or any of them respectively; that is to say, the seventeen parishes without the walls of *London;* the twenty-three parishes in *Middlesex* and *Surrey*, being within the bills of mortality, and the liberty of the tower of *London;* and the ten parishes within the city and liberty of *Westminster;* shall be nursed and taken care of in manner as hereafter mentioned.

Children born in, or received into any workhouse or parish house, within the several parishes here mentioned,

are to be nursed and taken care of, as follows; viz.

II. And be it further enacted by the authority aforesaid, That all such children, under the age of six years, who upon the said first day of *July*, shall be under the care of vestries, governors, directors, or managers of the poor, or parish officers, shall, within fourteen days after the said time, be sent into the country, to a distance not less than three miles from any part of the cities of *London* and *Westminster;* there to be nursed and maintained at the charge of their respective parishes.

Such of them as are under six years of age to be sent in the country, not less than three miles off;

III. And be it further enacted by the authority aforesaid, That all children who shall, from and after the said first day of *July*, be born in, or shall be received into workhouses or parish-houses, belonging to the said parishes, not being suckled by the mother, under the age of two years, shall, within fourteen days after their birth or reception, be sent into

those under two years, not suckled by the mother, not less than five miles off;

into the country, to a distance not less than five miles from any part of the said cities of *London* or *Westminster*; and all children received into such workhouses or parish-houses above the age of two years, and under the age of six years, shall, within fourteen days after their reception, be sent into the country, to a distance not less than three miles from any part of the said cities of *London* or *Westminster*, there to be nursed and maintained in manner hereinafter directed.

and those above two and under six years of age, not less than three miles off.

IV. And be it further enacted by the authority aforesaid, That for the nursing and maintenance of each child so put out as aforesaid, the respective sums following shall be paid; that is to say, for the first six years of their age, a sum not less than two shillings and sixpence; and from that time until such child shall be put out apprentice, or return to the workhouse, a sum not less than two shillings per week; and shall also, over and above the said charge of nursing and maintaining each child, pay to every nurse who shall have received any child of or under the age of nine months (the said child being alive, and having been treated properly, and to the satisfaction of the guardians hereafter mentioned, or the major part of them, assembled at any meeting appointed by this act) after having been under her care twelve months, a sum not less than ten shillings, as a reward for her pains and care taken in the nursing of such child: and the governors, directors, managers, or overseers of the poor, of the respective parishes from whence such children shall be so sent to nurse, shall find good, proper, and sufficient cloathing for each and every of them respectively; and shall defray the expences of conveyance, medicines, burials, and all other necessary expences incurred on account of the said children; and shall keep, in a book or books to be provided for that purpose, separate, regular, and exact accounts of all expences incurred in relation thereto.

Weekly rates to be paid for their nursing and maintaining, till apprenticed, or returned to the workhouse. Conditional reward to nurses for their care.

Cloathing to be furnished, and all other incidental expences defrayed, by the parish, and separate accounts to be kept thereof.

V. And, in order the more effectually to guard against all dangerous consequences which may arise to the said children from false parsimony, negligence, inadvertency, or the annual change of parish officers, be it further enacted by the authority aforesaid, That five noblemen or gentlemen, inhabitants of each parish, shall, within fourteen days after the said first day of *July*, be appointed and chosen, under the title or denomination of *Guardians of the parish poor children*; two or more of which said guardians shall be chosen out of the select vestry, or out of the governors, directors,

Five guardians of the parish poor children to be chosen.

tors, or managers of the poor of each parish; and, where there is no select vestry, governors, directors, or managers, then the said five guardians to be chosen and appointed out of the noblemen and gentlemen inhabitants of each parish; and the election to be made upon *Tuesday*, or some other day in *Easter* week, by the inhabitants having right to assemble in vestry; and in case there shall be no noblemen or gentlemen, or not be a sufficient number of such noblemen or gentlemen who will accept of the office of guardians; then the said guardians, or so many as shall be wanting to make up the number of five, shall be chosen out of the principal and most respectable inhabitants: and if any of the parties so chosen shall refuse to act, or shall afterwards resign their guardianship, or shall die, that then, and in either of the said cases, a further choice shall be made in the same manner as before-mentioned, within fourteen days after such refusal, resignation, or death, of so many as shall be necessary to complete the number.

Where any shall refuse to act, or shall resign, or die, a further choice to be made.

First guardians to continue in office till the year 1770;

VI. And be it further enacted by the authority aforesaid, That such noblemen, gentlemen, or principal inhabitants, who shall, in consequence of this act, be first chosen and appointed guardians of the parish poor children, shall continue and remain in their respective offices till the day in *Easter* week, in the year one thousand seven hundred and seventy, of the inhabitants meeting for the choice of guardians as aforesaid; and that the guardians then chosen, or at any time thereafter to be chosen, shall remain in their respective offices for the term of three years then next ensuing: and that all appointments of guardians in future shall be once in three years only, except in cases of death, resignation, or refusal as aforesaid.

future guardians to remain three years in office.

Churchwardens and overseers disqualified from being elected guardians

VII. Provided always, That no churchwarden, or overseer of the poor, shall be elected into the said office of a guardian.

Power and duty of guardians.

VIII. And be it further enacted by the authority aforesaid, That the said guardians, or any one of them, shall have free admittance to visit and see the said parish poor children, and inform themselves fully concerning their state and condition; and the said guardians shall also have full liberty to examine, and have free access to, all registers, books, and accounts relating to the said children: and in case of any neglect or improper conduct, whereby the life

or

or health of a child may appear to the said guardians, or to any one of them, to be in danger, to report the same to the select vestry, governors, directors, or managers, or to the churchwardens or overseers of the poor: and if the said vestry, governors, directors, or managers, churchwardens, or overseers, or some or one of them, do not take the most efficacious measures to remedy the evil complained of; that then it shall be lawful to and for the said guardians, or any one of them, to inform one or more of His Majesty's justices of the peace, and give evidence of the facts; and the said justice or justices of the peace is and are hereby impowered to give such orders and directions therein, as he or they shall think most proper.

Evils complained of by them how to be remedied.

IX. And be it further enacted, That the said guardians shall be summoned by the vestry clerk, at least once in six weeks, to meet at the vestry room, or where there is no vestry room, in other convenient place; and two of the said guardians shall make a *quorum*, either of them having the liberty of calling in one of the churchwardens or overseers; and when only one of the said guardians is present, he shall have the liberty of calling in two of the churchwardens or overseers, who shall attend him accordingly; and when any number of the said five guardians shall meet, they shall have the liberty of calling in two of the churchwardens or overseers, as the majority of them shall think proper.

A meeting of the guardians to be summoned every six weeks; two make a quorum. Power given them singly, or jointly, to call in the churchwardens or overseers.

X. And whereas in many parishes the said select vestries, governors, directors, or managers, churchwardens, or overseers of the poor, may find it inconvenient and difficult, through want of regular correspondence with proper persons in the country, to supply them with nurses, and also to take the charge of inspecting nurseries, in such a manner as shall prove effectual to the preservation of the lives of the said children; Be it therefore enacted by the authority aforesaid, That the said select vestries, governors, directors, or managers, churchwardens, or overseers of the poor, shall be at liberty to send their said parish poor children, or any of them, being under the age of six years as aforesaid, to the hospital for the maintenance and education of exposed and deserted young children; and it shall and may be lawful to and for the governors and guardians of the said hospital, for the time being, to receive such children: and the said select vestries, governors, directors, managers, churchwardens, or overseers of the poor, are hereby empowered to agree

Liberty granted of sending parish poor children under six years of age, to the foundling hospital, upon such terms as shall be agreed on:

agree with the said governors and guardians for that purpose, upon such terms, and in such manner, as shall be adequate to the support and maintenance of each child.

The charge to be defrayed out of the poor's rates:

XI. And be it enacted by the authority aforesaid, That the terms so agreed upon, and the sums agreed to be paid for the admission, maintenance, and education of such parish poor children as shall be sent to the said hospital, shall be paid, by the overseer or overseers of the poor for the time being, out of the poor's rate of each parish respectively:

and if not duly paid,

and in case any sum or sums of money agreed between the said select vestries, governors, directors, or managers, churchwardens, or overseers, and the governors and guardians of the said hospital, or any five of them in committee, shall not be paid by such overseer or overseers, to the person or persons who shall be authorized by the said governors and guardians to receive the same, it shall and may be lawful

any justice may summon the overseers,

to and for any one or more of His Majesty's justices of the peace for the counties of *Middlesex* or *Surrey*, the city and liberty of *Westminster*, or liberties of the *Tower Hamlets*, respectively, to summon the overseer or overseers who shall refuse or neglect to make such payment, and to order immediate payment to be made of so much as shall appear to such justice or justices to be due, together with such costs and charges as may have been incurred by the said governors and guardians in consequence of such refusal or neglect:

and order immediate payment, with the charges incurred;

and if the overseer or overseers shall refuse or neglect to obey the order of such justice or justices, the sum directed to be paid thereby shall be recovered by distress and sale of the goods and chattels of such overseer or overseers, together with the costs attending such distress and sale, rendering the overplus (if any) to the owner.

and on refusal may levy the same by distress and sale.

The death, discharge, or apprenticeship, of any child, to be certified to the vestry clerk of the parish.

XII. And be it further enacted by the authority aforesaid, That at the time of the death, discharge, or apprenticeship of any such parish poor child, a certificate thereof shall be sent, by the secretary of the said governors and guardians, to the vestry clerk, or overseers of the poor, of such parish to which the said child did belong.

Hospital account to be kept with each parish distinct.

XIII. And be it further enacted by the authority aforesaid, That the hospital account shall be kept with each parish distinct, in a proper book or books, with marginal columns, according to the schedule annexed, marked (A); and that such book or books, or true copies thereof, shall be signed by the secretary of the hospital.

XIV. And whereas it often disturbs the peace of domestic life, checks marriage, and discourages industry, to place out boys to the age of twenty-four years; therefore, in order to remedy the same, Be it enacted by the authority aforesaid, That it shall and may be lawful to place or bind out boys as well as girls apprentices, by the respective parish officers for the time being, and also by the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children, for the term of seven years, or till they shall attain their respective ages of twenty-one years, and no longer.

Parish children, and foundlings, to be apprenticed for not more than 7 years, or till 21 years of age.

XV. And whereas the sums of twenty shillings to forty shillings now usually given with a child placed out by the parishes, are by no means adequate to the procuring such masters and mistresses as are in general fit and proper: and whereas there is a general neglect in the moral and religious instruction of apprentices, and some pecuniary encouragement may excite masters and mistresses to discharge their duty, in this respect, towards young persons who are thus intrusted to their care; Be it therefore further enacted by the authority aforesaid, That from and after the said first day of *July*, one thousand seven hundred and sixty seven, no such parish child shall be bound out an apprentice with a sum less than four pounds two shillings as an apprentice fee; forty shillings whereof to be paid to the master or mistress within seven weeks after executing the indentures, and the remaining forty-two shillings to be paid after such apprentice shall have served three years of his or her apprenticeship.'

Apprentice fee not to be less than 4l. 2s. and to be paid at two payments.

XVI. " And whereas the act of the second of His present Majesty, intituled, *An act for the keeping regular, uniform, and annual registers, of all parish poor infants under a certain age within the bills of mortality*, requires no account of the children after the age of four years;" Be it therefore further enacted by the authority aforesaid, That the respective vestries, governors, directors, managers, overseers of the poor, or other officer or officers, of the several and respective parishes hereinbefore mentioned, or some or one of them, shall, and they are hereby directed and required, on or before the said first day of *July*, to provide, or cause to be provided, at the expence of their respective parishes wherein there is or shall be a workhouse, hospital, or other house or place provided for the maintenance of the poor, a book of royal paper, which shall be ruled with distinct columns, and the

Act 2 G. III.

Particular registers to be provided by each parish, according as they come within the following description.

the title of each column shall be wrote or printed in such page agreeable to the schedule hereunto annexed, marked (B): and the book belonging to each respective parish, wherein there is not nor shall be any such workhouse, hospital-house, or place, shall in every page be ruled with distinct columns, and the title of each column shall be wrote or printed in such page agreeable to the schedule hereunto annexed, marked (C); any thing in the said act of the second year of His present Majesty's reign, or any other act or acts of parliament, to the contrary thereof in any wise notwithstanding.

Entry to be made at the foot of each register.

XVII. And be it further enacted by the authority aforesaid, That there shall be mentioned, at the foot of each register, the gross number of the children, remaining in the hands of mothers who have been relieved by the respective parishes during the course of the year, not entered in the register; and the number of such who are known to be remaining alive.

Form of the abstract of the register of the infant poor.

XVIII. And be it further enacted by the authority aforesaid, That the abstract of the register of the said infant poor shall be according to the schedule hereunto annexed, marked (D).

Manner of conducting their registers.

XIX. And be it further enacted by the authority aforesaid, That the names of all the parish poor children who shall be alive, under the care of any governors, directors, managers, churchwardens, or overseers of the poor, on the first day of *July* next ensuing, shall be entered in the said registers, and shall be continued on, and transferred from year to year, in the said register, till their death, or discharge to parents, or friends, or till they are respectively placed out apprentice; and that the day of placing them out, and the time of their servitude, shall be entered in the said registers as above-mentioned.

Annual list to be made out by each parish of the children apprenticed, and delivered to the company of parishclerks.

XX. And be it further enacted by the authority aforesaid, That a full list of all apprentices placed out by the respective parishes shall be made out by the vestry clerks, or other proper officer, and delivered, in the month of *February* in every year, to the company of parish clerks; the same to be written on royal paper, according to the schedule annexed, marked (E), to be bound up and deposited by the company of parish clerks; and the said company shall make out an abstract thereof, distinguishing the number placed out from each parish, and how many of them were born in

Abstract thereof to be printed, and delivered to each parish.

the workhouse or parish-house; and shall cause the same to be printed; and shall send six fair copies of the said abstract to each parish respectively.

Registers and lists to commence and end annually at a certain time.

XXI. And be it further enacted by the authority aforesaid, That the first annual register of the said infant poor, and also the first annual lists of apprentices, hereby intended and directed to be kept, shall commence on the said first day of *July*, and shall end on the thirty-first day of *December* ensuing; and, after that time, the said annual register and lists shall commence the first day of *January*, and end the thirty-first day of *December* following.

General expences not otherwise provided for, to be paid out of the poor's rates.

XXII. And be it further enacted by the authority aforesaid, That all expences incident to and attending the nursing, maintenance, education, placing out apprentice, or otherwise relating to the matters herein contained, the manner whereof is not herein particularly ordered and directed, shall be paid out of the monies arising from the poor's rates of the respective parishes wherein such expences shall be incurred.

Penalty on parish officers and others neglecting their duty.

XXIII. And be it further enacted by the authority aforesaid, That if any churchwarden, overseer of the poor, vestryman, clerk of the vestry, master of the workhouse, master or warden of such company of parish clerks, or any clerk of such company, or any other person or persons, shall neglect his duty as directed in and by this act; such churchwarden, overseer of the poor, clerk of the vestry, or master of the workhouse, master or warden of such company of parish clerks, or such clerk of such company, person or persons, shall, for every offence, forfeit and pay to the informer the sum of five pounds; to be recovered before any two or more of His Majesty's justices of the peace, and to be levied by distress and sale of the goods and chattels of the offender, by virtue of a warrant under the hands and seals of the justices before whom the same shall be recovered, directed to any constable or other peace officer; and if there shall be any overplus of the said forfeiture, the same shall be returned to the owner, after the charges of such distress and sale shall be deducted.

Public act.

XXIV. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act; and be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same.

SCHEDULE

ACCOUNT of the Hospital for the Maintenance and Education of Exposed (according to an Act of Parliament
Parish Poor received by the said Hospital.

When received into the Hospital.	Number in the Hospital Register.	Male, M Female, F	Name. If Legitimate or Parochial P If Illegitimate . . I If Casual . . . . C If Foundling . . F	When born or Age; when received in the Workhouse. If Born B	When sent to Nurse.	Inspector's Name and Parish.

SCHEDULE

ANNUAL REGISTER of the Parish Poor Children, until they are
Day of to the 31st Day of *December*,
a Workhouse or Parish House) according to the Acts of Parliament of the

Name of the Child. If a Foundling, mark . . F If a Bastard . B If a Casualty . C If the same Child is taken in a second Time, mark the second Entry of the Name . 2 If a third Time 3 &c.	Age real or reputed, at the Time when received. Years. Y Months. M Days. D			If born in the Workhouse, when	If not born in the Workhouse, when admitted.	If Money received with any Child, what Sum, (such Sum not to be transferred from Year to Year.)			When died in the Workhouse.	When sent from the Workhouse and by whom nursed till sent.	What Work Children past 6 Years of Age are employed in. If can read R. If can say his or her Prayers P. If both R. P.
	Y.	M.	D.			L.	s.	d.			

(A.)

and Deserted young Children within the Parish of
of the Seventh of His Majesty King *George* the Third) of the Infant

Nurse's Name and Parish.	Price of Nursing per Week.			Reward to the Nurses for their Care.			If returned from Nurse to the Hospital. When.	If has had the Small Pox. When.	If died, when, and of what Distemper.	If apprenticed out, or pu to Service, claimed, o discharged, when, and th Page in the Register o Apprentices.
	L.	s.	d.	L.	s.	d.				

(B.)

apprenticed out, from the
of the Parish of (where there i
Second and Seventh of His Majesty King *George* the Third.

When sent to the Hospital for Exposed and Deserted young Children.	If discharged from the Parish, to whom delivered, and where living. If removed or passed, to what Place.	Nurse's Name to whom delivered to be nursed. If a wet Nurse, mark . W If a dry Nurse D If a Nurse dies, or is changed, write the Name of the new Nurse under the former. If nursed by the Mother, mark M	Place where the Nurse lives, in what Place, or near what sign so as to be found.	Price of Nursing each Week.	Reward to Nurses.			If Died at Nurse. when.	If passed six Years of A and brought to t Workhouse, mark W If discharged, mention whom and wherelivin If apprenticed, menti Folio of the Register Apprentices.
					L.	s.	d.		

SCHEDULE.

ANNUAL REGISTER of the Parish Poor Children, until apprenticed out
Day of *December*, of the Parish of
Parliament of the Second and Seventh of His Majesty King *George* the Third.

Name of the Child, if a Foundling, mark F if a Bastard . B if a Casualty . C if the same Child is taken in a second Time mark the second Entry 2 of the Name . . 2 if a third Time 3 &c.	Age real or reputed. Years . Y Months . M Days . D			When received under the Care of the Parish. If born . . . B	If Money be received with any Child, what Sum, such Sum not to be transferred from Year to Year.			Name and Place of Abode of the Person by whom the Child is received on the Parish Account, till sent into the Country.	Where sent, if received past six Years of Age, and in what work employed. If can read . . R. If can say his or her Prayers . . P. If both . . R.P.
	Y.	M.	D.		L.	s.	d.		

(C).

from the Day of to the 31
(where there is not a Workhouse or Parish House) according to the Acts

When sent to the Hospital for Exposed and Deserted young Children If removed or passed, to what Place. If discharged from the Parish, to whom delivered, and where living.	Nurse's Name to whom delivered to be nursed. If a wet Nurse, mark W If a dry Nurse . D If the Nurse dies, or is changed, write the Name of the new Nurse under the former. If nursed by the Mother, mark M	Place where the Nurse lives, in what Street or near what Sign, so as to be found.	Price of nursing each Week.	Reward to Nurses for their Care. L.	s.	d.	If died at Nurse, when.	If discharged from the Parish, mention whom, and where living If apprenticed out, or placed out to Service mention Folio in the Apprentice Register

SCHEDULE

AN ABSTRACT of the Annual Registers of Parish Poor of

The Names of Parishes and where situated.	Number transferred from the preceding Year.	Born in the Workhouse or Parishhouse.	Received into the Workhouse or Parishhouse.	Total born and received.	Of whom were under these Ages.									Of whom were				Number with whom Money was received.	Money.					
					Three Months.	Six Months.	Nine Months.	Twelve Months.	Eighteen Months.	Two Years.	Three Years.	Four Years.	Above Four Years.	Foundlings.	Illegitimate.	Casualties.	Legitimate.		Sum received with Children.			Reward paid to Nurses as an Encouragement to take all possible Care of the Children.		
N. B. Where there is a Workhouse it is *																			L.	s.	d.	L.	s.	d.

(D.)

the Bills of Mortality, from the Birth until apprenticed out.

Born under the Care of the Parish, but not in the Workhouse or Parishhouse.	Apprenticed out, or put out to Service.	Remain alive in the Country.	Total died in the Country.	Died in the Country under these Ages.						Of whom were under these Ages.			N. B. As many as were nursed within Five Miles of London, mark L.	Sent into the Country to be nursed.	Removed, passed, and discharged, to their Friends, Fathers, or Mothers; if delivered to the Mother, mark M.	Remain alive in the Workhouse or Parish house.	Of whom died under these Ages nursed by Mothers and Nurses.									Died under the Care of Nurses in the Workhouse or Parish house.	Nursed by Nurses in the Workhouse or Parish house.	Died under the Care of the Mother in the Workhouse or Parish house.	Nursed by the Mother in the Workhouse or Parish house.
				Six Years.	Two Years.	Eighteen Months.	Twelve Months.	Six Months.		Six Years.	Two Years.	Six Months.					Above Four Years.	Four Years.	Three Years.	Two Years.	Eighteen Months.	Twelve Months.	Nine Months.	Six Months.	Three Months.				

SCHEDULE (E).

REGISTER of the Apprentices placed out by the Parish of from the of to the 31st Day of *December*, according to the Acts of Parliament of the Second and Seventh of His Majesty King *George* the Third.

Name of the Apprentice.	When born or received. If born in the Workhouse or Parish house. B	Age when received, in Years, Months and Days.			When placed out Apprentice.	Name of the Person to whom placed out.	What Trade or Business.	Where living, Street, Span, or other Distinction.	Age when placed out, in Years, and Months		For what Time placed out.	Apprentice Fee paid down.	When the additional Fee is paid down.
		Y.	M.	D.					Y.	M.			

[9 Geo. III. Cap. 37. Sect. 7.]

An Act for preventing Parish Poor being paid in base or counterfeit Coin.

Churchwardens, overseers, or others, intrusted to make payments to or for the use of the poor, making the same in any other than lawful money,

VII. AND be it further enacted, That if any churchwarden or overseer of any parish, township, or place, or other person authorized or intrusted by them, or any of them, to make payments to or for the use of the poor within such parish, township, or place, respectively, shall wilfully and knowingly, at any time from and after the twenty-fourth day of *June* next, make any such payments, in any base or counterfeit money, or in any other than lawful money of *Great Britain*; that then, upon complaint thereof made to any justice of the peace of the county, riding, division, or place, wherein such payment shall be so made as aforesaid, it shall and may be lawful to and for such justice, and he is hereby required, to summon the churchwarden, overseer, or other person charged with such offence, and in a summary way, upon his or their non-appearance or confession, or upon proof of such offence upon oath of one or more credible witness or witnesses (which oath the said justice is hereby authorized to administer) to adjudge the party so offending to forfeit and pay for each offence a sum not less than ten shillings, nor more than twenty shillings; and to levy the same by distress and sale of the goods and chattels of such offender; rendering the overplus, if any, to the owner, after the charges of such distress and sale shall be deducted; which sum shall be applied for the use of any poor person or persons of such parish, township, or place respectively, in such manner as the justice of peace, who shall adjudge such forfeiture, shall direct or appoint.

forfeit not less than 10s. nor more than 20s. for every such offence; to be applied to the use of any of the poor of the parish.

[13 Geo. III. Cap. 82.]

An Act for the better Regulation of Lying-in Hospitals, and other Places, appropriated for the charitable Reception of pregnant Women; and also to provide for the Settlement of Bastard Children, born in such Hospitals and Places.

"WHEREAS, through the humane and benevolent assistance of well-disposed persons, many hospitals and places have been established for the charitable reception of pregnant women, which have afforded great relief in times of the utmost distress, and therefore merit every due support and encouragement; but some inconveniencies having been found to arise from the number of bastard children born in such hospitals and places which have become heavy burdens, and have occasioned unreasonable charges upon those parishes wherein such hospitals and places have been instituted, to their great and unjust oppression:" and whereas it would tend, as well to promote the interest of such hospitals and places, as to give a seasonable relief to such parishes, if a law was made to regulate the settlement of such bastard children, May it please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *November*, one thousand seven hundred and seventy-three, no hospital or place shall be established, used, or appropriated, or continue to be used or appropriated, for the public reception of pregnant women, under public or private support, regulation, and management, in any parish within that part of *Great Britain* called *England*, unless a licence shall be first had and obtained, in manner hereafter mentioned, from the justices of the peace, at some one of their general quarter sessions to be held for the county, riding, division, city, or corporation, wherein such hospital or place shall be situated; and such justices are hereby authorised and required to grant such licence to any person or persons who shall apply for the same, such person or persons paying the sum of forty shillings for every such licence to the clerk of the peace of such county, riding, or division, or to the town-clerk of such

After Nov. 1, 1773, no hospital to be established for the reception of pregnant women, unless a licence be obtained;

which licence the justices, at their quarter sessions, are impowered to grant.

city or corporation, as a perquisite for his trouble, and as a fund to defray the expence of the stamp and parchment that shall be used for the grant of such licence.

Every licence to be stamped with a 5s. stamp, and signed by the justices.

II. And be it further enacted, That every such licence shall be written on parchment, and stampt with a five shilling stamp; and a copy thereof shall be entered in a book to be kept for that purpose by such clerk of the peace, or town clerk, and preserved as a public register amongst the records of the county, riding, division, or of such city or corporation, as the case may be, to be inspected by any person or persons on payment of one shilling; and every such licence shall be signed by two or more such justices of the peace at their general quarter sessions, and shall intitle the person or persons to whom such licence shall be granted to keep one hospital, house, or place, and no more, for the public or charitable reception of pregnant women.

Hospitals now hereafter to be established for the reception of pregnant women, deemed within the intent of this act.

III. And be it further enacted, That as well all hospitals, houses, and places, already established, used, or appropriated, for the public reception of pregnant women, and supported by charitable contributions, or otherwise, for the purposes of the delivery or lying-in of such pregnant women, as all other hospitals, houses, or places, that may hereafter be established, used and appropriated in like manner for the like purposes, shall be deemed and taken to be hospitals and places within the true intent and meaning of this act.

Inscription to be affixed over the door of all hospitals.

IV. And, that it may be the more easily known what hospitals, houses, or places, shall have been licensed pursuant to this act, be it enacted, That there shall be fixed and kept up over the door, or public entrance, of every such hospital, house, or place, an inscription, in large letters, in the following words; *videlicet*, LICENSED FOR THE PUBLICK RECEPTION OF PREGNANT WOMEN, PURSUANT TO AN ACT OF PARLIAMENT, PASSED IN THE THIRTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD, and the affixing and keeping such inscription shall be a condition in every such licence; and in case such inscription shall not be fixed and kept over the door or public entrance of such hospital, house, or place, such licence shall become null and void.

Bastard children born in such hospitals not to be intitled to relief as parishioners.

V. And be it further enacted by the authority aforesaid, That no bastard child or children, born in any such hospital, house, or place as aforesaid, shall be legally settled in, or shall be intitled to any relief as a parishioner, from the parish wherein such hospital, house, or place shall be situated; but every

every such child or children shall follow the mother's settlement, and shall immediately gain a settlement in the parish or parishes respectively where his, her, or their mother or mothers were last legally settled; any law, statute, usage, or custom to the contrary thereof in any wise notwithstanding.

On the removal of the mother or child, the churchwardens of the parish are to pay all expences.

VI. And be it further enacted by the authority aforesaid, That in case it shall become necessary to remove the mother of the child so born a bastard, and the child so born a bastard, or either of them, from the parish or place, in which such hospital, house, or place, shall be situated, to the parish or place to which such woman shall belong, or where she shall have obtained her last legal settlement, such parish or place being within twenty miles of such hospital, house, or place, to which she shall be so removed, shall be chargeable with, and liable to the payment of all charges and expences incident to or attending such removals; such charges and expences to be allowed and settled by any justice or justices of the peace, (who is and are hereby required to allow and settle the same,) in and for the county, riding, division, city, corporation, or place, in which the parish or place shall be situated, to which such mother and child, or either of them, shall be removed as aforesaid: and if such charges and expences, after being allowed and settled as aforesaid, and demand thereof made in writing, directed to the churchwardens or overseers of the poor of the parish to which such mother and child, or either of them, shall be removed as aforesaid, shall not be paid within two days after such demand, then, and in every such case, it shall and may be lawful to and for any one or more of His Majesty's justices of the peace in and for the county, riding, division, city, corporation, or place, in which the parish shall be situated, to which such mother and child, or either of them, shall be removed, and he or they is and are hereby required by warrant under his or their hand and seal, or hands and seals, to levy the same by distress and sale of the goods and chattels of the churchwardens or overseers of the poor making such refusal as aforesaid, or on the goods and chattels of any or either of them.

Appeal may be made to quarter sessions by persons aggrieved,

VII. Provided always, and be it further enacted, That if any person or persons shall think himself or themselves aggrieved by such removal or distress had or made in pursuance of this act, every such person may appeal to the quar-

ter session of the peace, to be holden for the county, riding, division, city, corporation, or place, wherein he shall have suffered such grievance, within four months after the fact done, by which he shall think himself so aggrieved, such appellant first giving, or causing to be given, fourteen days notice at the least, in writing, of the intention to bring such appeal, and of the matter thereof, to the party or parties against whom such appeal is intended to be brought, and within two days next after such notice given entering into recognizance, with two sufficient sureties, conditioned to try such appeal, and to abide the order of, and to pay such costs as shall be awarded by the justices at such quarter sessions; and the said justices shall then hear and determine the causes and matters of appeal in a summary way, and award such costs to the parties appealing or appealed against, as they the said justices shall think proper, and the determination of such justices so made shall be final, binding, and conclusive, to all intents and purposes whatsoever.

giving 14 days notice.

VIII. And be it further enacted, That all officers belonging to the parish wherein the mother of such child, so born a bastard shall have been last legally settled, and all magistrates of the county, riding, division, city, corporation, or place, wherein such parish shall be situated, shall have power and authority to apprehend the reputed father of any such bastard child, to take security for the indemnity of the parish, and to punish the parents, and to do every other matter or thing relative to such case of bastardy, in the same manner, and with the same powers, as such magistrates or officers might or would have had in case such child had been born in such parish or place; any law or statute to the contrary thereof in any wise notwithstanding.

Parish officers impowered to apprehend the father of any bastard.

IX. Provided always, That nothing in this act contained shall extend, or be construed to extend, to alter the law as it now stands relative to the settlement of any bastard child so born as aforesaid, in cases where the mother's settlement cannot be ascertained and determined.

Proviso.

X. And be it further enacted by the authority aforesaid, That the owner, keeper, governor, master, secretary, clerk, or other person, who shall have, or to whom shall be intrusted the care, conduct, or management, of such hospital, house, or place, shall, and he, she, or they, is and are hereby directed and required, before the admission of any pregnant woman into

Owners or masters of hospitals to take the woman, before admitted, to be examined before a justice.

into such hospital, house, or place, forthwith (unless prevented by sickness), to take, or cause to be taken, such woman before some justice of the peace in and for the county, riding, division, city, corporation, or place, where such hospital, house, or place, is situated, which justice is hereby directed and required to examine her upon oath, whether she is married or single: and in case such pregnant woman shall not be able, at the time of such admission, to go before such justice and be examined as aforesaid, that then and in every such case, it shall and may be lawful to and for the said owner, keeper, governor, master, secretary, clerk, or other person, as aforesaid, and he, she, or they is and are hereby directed and required when and so soon as such woman shall be sufficiently recovered, to take, or cause to be taken, such woman before such justice, to be by him examined as aforesaid, any law, statute, usage or custom to the contrary thereof in anywise notwithstanding: and all and every the particulars of such examination, taken upon oath as aforesaid, shall be entered in a book, to be provided and kept for that purpose by the owner, keeper, governor, master, secretary, clerk, or other person, as aforesaid, and signed by the justice of the peace before whom such examination is taken, who is hereby directed and required to sign the same.

If the woman produce an affidavit that she is married, or single,

she is not liable to go before the justice.

XI. Provided always, and be it enacted, That if any woman, on admission into such hospital, house, or place, shall produce an affidavit, sworn by her before such justice of the peace for the city of *London*, or for the county, riding, division, city, corporation, or place, wherein such hospital, house, or place, shall be situated, that she is a married or single woman, as the case may be, which affidavit shall be kept and filed at every such hospital, house, or place; then, and in every such case, such woman shall not be liable or compellable by this act to go before any justice of the peace, or to be further examined on oath as to her marriage.

When any woman shall be delivered of a bastard, the owner of the hospital is to give four days notice before she is discharged to the overseers,

XII. And be it further enacted, That if any woman shall be delivered of a bastard child in such hospital, house, or place, such owner, keeper, governor, master, secretary, clerk, or other person as aforesaid, shall, four days at the least before any such woman shall be discharged, give, or cause to be given, a personal notice, or notice in writing, of such delivery, to be left at the usual place of abode of the overseer or overseers, churchwarden or churchwardens, of such parish or

place

place wherein such hospital, house or place shall be situated; and such overseer or overseers, churchwarden or churchwardens, or some or one of them, is and are hereby authorised and required, after such notice given, to attend at such hospital or place, within the time so notified as aforesaid, and shall convey every such woman before some justice of the peace, of the county, riding, division, city, corporation, or place where such birth or births shall happen, who shall examine every such woman upon oath relative to her last legal settlement, and shall certify, in writing to such overseer or churchwarden, the whole of such examination, who shall cause the same to be deposited and kept amongst the books and papers belonging to such parish or place.

Overseer attending, and being informed that such woman is not sufficiently recovered, shall wait till a further notice be given.

XIII. And be it further enacted, That if at any time such overseer or churchwarden shall, upon such attendance, be informed by such owner, keeper, governor, master, secretary, clerk, or other person, that any such woman is not sufficiently recovered to be taken out and carried before such justice, such overseer or churchwarden shall wait till a further notice shall, in like manner, be given; and such notices, from time to time, shall be repeated as occasion may require; and every such overseer and churchwarden who shall receive the same, is hereby required to pay due attention thereto.

Every woman may be kept in the hospital till she be in a fit condition to be discharged, &c.

XIV. Provided always, and be it further enacted, That it shall and may be lawful for every such owner, keeper, governor, master, secretary, clerk, or other person, to keep and detain in such hospital, house, or place, every such woman so delivered of a bastard child, till she shall be adjudged in a fit condition to be discharged, and until she shall have been examined before some justice of the peace, as aforesaid, with respect to the place of her last legal settlement.

but not to extend to keep any woman longer than six weeks, without her consent.

XV. Provided always, and be it further enacted, That nothing in this act shall extend, or be construed to extend, to authorise or impower any person whatsoever to keep or detain in such hospital, house, or place, any woman so delivered of a bastard child, for a longer time than six weeks after the birth of such child, unless it shall be done by her own free consent.

Owners, governors' &c. not complying

XVI. And be it further enacted, That every such owner, keeper, governor, master, secretary, clerk, or other person,

as

ing with the directions of this act to forfeit 50*l.* and overseers, &c. neglecting or refusing, to forfeit 10*l.*

as aforesaid, who shall wilfully neglect or refuse to comply with the directions of this act, shall forfeit and pay, for every such neglect or refusal, the sum of fifty pounds; and every such overseer or churchwarden who shall in like manner neglect or refuse to comply with the directions of this act, shall, for every such neglect or refusal, forfeit and pay the sum of ten pounds; which penalties or forfeitures shall be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of His Majesty's courts of record at *Westminster*, by any person or persons who shall sue for the same; and such forfeitures and penalties, when recovered, shall be applied, one moiety to the use of the poor of the parish where such offence shall have been committed, and the other moiety to the person or persons who shall sue for and recover the same.

How penalties may be recovered and applied.

XVII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing by him or them done or executed in pursuance of this act, the defendant or defendants, in such action or suit, shall and may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise; then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

General issue.

Treble costs.

Actions when to be commenced.

XVIII. Provided always, That no such action or suit shall be brought by virtue and in pursuance of this act, unless the same be commenced within six calendar months after the offence committed.

Public act.

XIX. And be it further enacted, That this act shall be deemed a public act, and as such taken notice of by all judges, justices, and other persons, without specially pleading the same.

[18 Geo. III. Cap. 47.]

An Act to amend such part of an Act, made in the Forty-third Year of the Reign of Queen Elizabeth, *intituled,* An Act for the Relief of the Poor, *as relates to the binding of Parish Apprentices.*

Act 43 Eliz. recited.

"WHEREAS in and by an act, made in the forty-third year of the reign of Queen *Elizabeth*, intituled, *An act for the relief of the poor*, it was enacted, that it should be lawful for the churchwardens and overseers therein mentioned, or the greater part of them, by the assent of any two justices of the peace, to bind the children of all such parents who shall not, by the said churchwardens and overseers, or the greater part of them, be thought able to keep and maintain their children, to be apprentices, where they shall see convenient, till such man-child shall come to the age of four and twenty years, and such woman-child to the age of one and twenty years, or day of marriage; and whereas it has been found by experience, that the said term respecting men-children is longer than is necessary, and that if such man-child was bound to be an apprentice only till he came to the age of one and twenty years, all the benefits intended by the said act would be preserved, the hardships brought on such parish apprentices, by the length of their apprenticeship, would be avoided, and the good harmony between master and apprentice would be better maintained;" May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, when any man-child shall be bound to be an apprentice by virtue of and under the authority of the said act, made in the forty-third year of Queen *Elizabeth*, such child shall be bound to be an apprentice for no longer term than till such child shall come to the age of twenty-one years.

No child apprenticed by virtue of the recited act, to continue an apprentice after the age of 21.

[20 Geo. III. Cap. 36.]

An Act for obviating Doubts, touching the binding and receiving of poor Children Apprentices, in pursuance of several Acts of Parliament made for the Relief of the Poor within particular incorporated Hundreds or Districts; and for ascertaining the Settlement of Bastard Children born in the Houses of Industry within such Hundreds or Districts.

"WHEREAS several acts of parliament have of late years been made and passed for the better relief and employment of the poor, in particular incorporated hundreds or districts, within that part of *Great Britain* called *England*, whereby power is given to bind poor children apprentices under certain restrictions therein mentioned; and whereas doubts have arisen, whether persons are compellable to receive and provide for such poor children as shall be appointed to be bound apprentices to them in pursuance of the said acts;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June*, one thousand seven hundred and eighty, the respective persons to whom any poor children shall be appointed to be bound apprentices, in pursuance of any act or acts of parliament made and passed for the better relief and employment of the poor in any particular incorporated hundreds or districts, within that part of *Great Britain* called *England*, shall, and they are hereby required to receive and provide for such children, according to the indentures to be executed by the directors and acting guardians of the poor for such respective hundreds or districts, for the binding of such poor children, in like manner as persons are now obliged by the laws in being to receive and provide for poor children appointed to be bound apprentices by churchwardens and overseers of the poor, with the assent of two justices of the peace, and also to execute the counterpart of such indentures respectively; and

After June 24, 1780, all persons to whom any children shall be appointed to be bound, in pursuance of any act for relief of the poor in any particular district in England, shall be obliged to provide for them, &c.

and if any person, to whom any poor child shall be appointed to be bound apprentice, in pursuance of any such act of parliament as aforesaid, shall refuse or neglect to receive and provide for such poor child, or to execute the counterpart of the indenture for binding such child as aforesaid, every person so refusing or neglecting, upon proof of such refusal or neglect being made, by the oath of one of the directors or acting guardians, or of some other credible witness, before any two justices of the peace acting in or for the county, liberty, or place, within which the incorporated hundred or district to which such child belongs shall be situate, shall forfeit and pay to the directors and acting guardians of the poor for such incorporated hundred or district, or to their treasurer or appointee, to be applied to the relief of the poor within the same, the sum of ten pounds; such penalty or forfeiture to be levied by distress and sale of the goods of the person refusing or neglecting as aforesaid, by warrant under the hands and seals of such justices; saving always to the person, to whom any poor child shall be so appointed to be bound an apprentice, his or her appeal to the next general or quarter session of the peace for that county, liberty, or place, whose order therein shall be final.

Penalty on such persons neglecting to provide for such children.

May be levied by distress.

Appeal to the quarter sessions.

II. Provided always, That nothing in this act contained shall be construed to compel any person to take any such poor child apprentice as aforesaid, unless such person shall be an inhabitant and occupier of lands, tenements, or hereditaments, in the parish to which such child belongs; and that all bastard children born or to be born in the house of industry within any such incorporated hundred or district, shall be deemed to belong to the parish or place where the mother of such bastard child was legally settled.

No person compellable to take a poor child apprentice, except he be an inhabitant, &c. of the parish.

Bastards born in houses of industry to belong to the mother's parish.

[22 Geo. III. Cap. 83.]

An Act for the better Relief and Employment of the Poor.

"WHEREAS notwithstanding the many laws now in being for the relief and employment of the poor, and the great sums of money raised for those purposes, their

sufferings and distresses are nevertheless very grievous; and, by the incapacity, negligence, or misconduct of overseers, the money raised for the relief of the poor is frequently misapplied, and sometimes expended in defraying the charges of litigations about settlements indiscreetly and unadvisedly carried on; and whereas by a clause in an act passed in the ninth year of the reign of King *George* the First, intituled, *An act for the amendment of the laws relating to the settlement, employment, and relief of the poor*, power is given to the churchwardens and overseers in the manner therein mentioned, to purchase or hire houses, and contract with any person for the lodging, keeping, maintaining, and employing the poor, and taking the benefit of their work, labour, and service, for their maintenance; and, where any parish, town, or township, should be found too small, to unite two or more for those purposes, with the consent of the major part of the parishioners or inhabitants, and the approbation of a justice of peace; which provisions, from the want of proper regulations and management in the poor-houses or workhouses that have been purchased or hired under the authority of the said act, and for want of due inspection and controul over the persons who have engaged in those contracts, have not had the desired effect, but the poor in many places, instead of finding protection and relief, have been much oppressed thereby;" for remedy of these grievances and inconveniences, and in order to make better and more effectual provision for the relief and employment of the poor, and to introduce a prudent economy in the expenditure of the parish money; may it please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the 25th day of *March*, which shall be in the year of our Lord one thousand seven hundred and eighty-three, so much of the said clause as respects the maintaining or hiring out the labour of the poor by contract within any parish, township, or place, which shall adopt the provisions of this act, shall be and is hereby repealed, and every contract or agreement made in pursuance thereof, for either of those purposes, shall become, and is hereby declared to be, null and void.

Recital of 9 Geo. I. cap. 7.

Part thereof repealed.

II. Pro-

Visitors and guardians may make agreements for the diet and cloathing, &c. of persons sent to the poor-houses.

II. Provided nevertheless, and be it further enacted, That it shall and may be lawful for the visitor and guardian, or visitors and guardians, appointed as hereafter mentioned of any parish, township, or place, or parishes, townships, and places, which shall have adopted the provisions and complied with the requisites of this act, and shall have a visitor appointed, from time to time to make agreements with any person or persons for the diet or cloathing of such poor persons who shall be sent to the house or houses to be provided under the authority of this act, and for the work and labour of such poor persons, so that no such agreement shall be made for any longer time than twelve months, and so that the same shall be, and every such agreement is hereby declared to be, under the strictest inspection and controul of the visitor, guardian, and governor of such poor-house, and also of the justices of the peace for the limit where such poor-house shall be; two of which justices, upon proof of any abuse, shall have power to dissolve such contract.

Original recommendation.

III. And be it further enacted, That whenever two third parts, in number and value, according to the poor rate, of the owners or occupiers of lands, tenements, or hereditaments, within any parish, township, or place, qualified as hereafter mentioned, shall at any time after the passing this act, at a public meeting to be holden pursuant to the directions of this act, signify their approbation of the provisions herein contained, and their desire to adopt them, in the form contained in the schedule hereunto annexed, N° I., and shall at such meeting nominate and recommend to the consideration of the justices of the peace of the county, riding, division, district, city, town, or place, where such meeting shall be holden, three able and discreet persons qualified for guardians of the poor for such parish, township, or place, and three other fit and proper persons qualified to be governors of the poor-house for such parish, township, or place, and fix the salaries to be paid to such guardian and governor respectively, and shall procure the consent and approbation of two justices of the peace acting for that limit, to such agreement and salaries by writing under their hands, in the forms contained in the schedule, N° II., and shall cause such agreement to be registered pursuant to the direction of this act; every such parish, township, or place, shall from that time be entitled to all the benefits, privileges,

powers, authorities, and advantages which can arise or be derived from this act.

Two or more parishes may unite, with the approbation of two justices for the purposes of this act.

IV. And be it further enacted, That where two third parts in number and value as aforesaid, of the owners or occupiers of lands, tenements, or hereditaments, within two or more parishes, townships, or places, so qualified as aforesaid, shall think fit, with such approbation as aforesaid, signified in like manner under the hands of two justices of the peace, and subscribed at the foot of the said agreement, in the form expressed in the said schedule, N° II. at the end of the form of the said agreement, to unite for the purposes of this act, and shall signify their inclination and desire so to do at a publick meeting holden in each of such parishes, townships, and places, in the manner hereinbefore directed concerning a single parish, in the form contained in the said schedule, N° III. an agreement shall, as soon as conveniently may be after such publick meetings shall have been holden, be entered into by the guardians of the poor of every such parish, township, and place respectively, or the major part of them, in the form or to the effect set forth in the said schedule, N° IV. which agreement shall be binding upon the several parties; and every such agreement shall specify the place where such house or houses shall be situate, and the terms upon which such agreement is made, and shall be entered with the clerk of the peace, or town clerk of the county, city, town, or district, in which such parishes, townships, or places, shall be situate, and a copy thereof left with him within three calendar months after the time of making such agreement, in the form or to the effect mentioned in the said schedule, N° V. for which entry every such clerk shall receive one shilling, and no more; and from that time every such parish, township, and place, so agreed to be united, shall be entitled to all the benefits, privileges, powers, authorities, and advantages, which can arise or be derived from this act.

Parishes more than ten miles distant from the poor-house excluded.

V. Provided nevertheless, and be it further enacted, That no parish, township, hamlet, or place, which shall be situate more than ten miles from any poor-house or workhouse to be provided under the authority of this act, shall be permitted to be united, for the purposes aforesaid, with the parishes, townships, hamlets, and places which shall establish such poor-house or workhouse.

VI. And

VI. And be it further enacted, That the notice for every publick meeting directed by this act, shall be given in the church or chapel of every such parish, township, or place, on three successive *Sundays* before the time of such meeting, immediately after divine service, or on such of the said *Sundays* as service shall be performed there, and also fixed in writing on such church or chapel door, or if no church or chapel, at some publick place within any such parish, township, or place, where notices of parish business have been usually given, fifteen days at least before the day to be appointed for such meeting, in the form or to the effect mentioned in the said schedule, N° VI.; and that no person shall vote at any publick meeting to be holden for the purposes of this act, unless he or she shall be the owner or occupier of lands, tenements, or hereditaments, which shall be assessed to the poor's rates, within such parish, township, or place, after the rate of five pounds *per annum*, at the least; nor shall any such person vote as occupier, unless he or she shall be assessed or pay to such poor's rates: Provided always, that in all parishes, townships or places, wherein there shall not be ten persons possessed of the qualification aforesaid, it shall and may be lawful for every person who shall be assessed, or shall pay to such poor's rates, to vote at every such meeting.

Notice for meetings to be given in the church, &c.

Qualification of voters.

VII. And be it further enacted, That it shall and may be lawful for two justices of the peace of the limit where such poor-house shall be, or be so agreed to be situated, and they are hereby required, as soon as conveniently may be after such agreement shall have been made as aforesaid, upon application to them by two or more of the persons who shall have signed such agreement, and upon producing the same to them, to appoint one of the persons so recommended to be guardian of the poor for each of such parishes, townships, and places, in the form contained in the said schedule, N° VII. or to that or the like effect; and every such guardian shall attend the monthly meetings hereby directed to be holden, and execute the several powers and authorities given to guardians by this act, and shall have, and is hereby invested with, all the powers and authorities given to overseers of the poor by any other act or acts of parliament, and shall, to all intents and purposes, except with regard to the making and collecting of rates, be an overseer of the poor for the parish or township for which he shall be so appointed guardian, and

Appointment.

Duty and powers of the guardian.

shall be liable to such forfeitures and penalties for neglect of duty as overseers of the poor are made liable to by this or any other act of parliament; and all notices or applications directed by this or any other act of parliament to be given or made to the overseers of the poor, with respect to the care and management or removal of the poor, shall be given and made to the guardian of the poor, where any such guardian shall be appointed under the authority of this act; but in case any orders of removal or notices shall happen, by mistake, to be given or sent to the churchwarden or overseer, the same shall be as valid and effectual as if given to the guardian; and such churchwarden or overseer shall, and is hereby required forthwith to deliver the same to the guardian, or shall forfeit forty shillings for his neglect: And in all cases where such guardian of the poor shall be appointed as aforesaid, neither the churchwardens or overseers of the poor shall interfere or intermeddle in the care and management of the poor, but shall continue to have and be invested with the same powers of making and collecting poor's rates as they have at present, and shall be subject to the like penalties for neglect or misbehaviour in making and collecting such rates as they were at the time of passing this act.

Churchwarden or overseer to receive the poor's rate.

VIII. And be it further enacted, That, from and after the appointment of such guardian as aforesaid, one or more of the churchwardens or overseers of the poor of every parish, township, or place, which shall adopt the provisions of this act, who shall be approved at some publick meeting to be holden as aforesaid, shall receive the money to be collected by virtue of such poor's rates, and apply the same in manner following; (that is to say), if such parish, township, or place shall not be united with any other by virtue of this act, such churchwarden or overseer shall pay to the guardian of the poor such sums, from time to time, as he shall have occasion to employ for the purposes of discharging the bills, and all other necessary expences attending such house or houses, and the poor belonging to such parish, township, or place, and shall take receipts from such guardian for all the money so paid, expressing in every such receipt the purposes for which such money is wanted; and if the said parish, township, or place, shall be united with any other parish, township, or place, by virtue of this act, such churchwarden or overseer shall pay, from time to time, to the treasurer of such united parishes, townships, or places, their due proportion

How to be applied.

tion and quota of the several expences attending the poor and poor-house therein, under the authority and according to the direction of this act, and take his receipts for such money; or if it shall be found more convenient he shall permit such treasurer, from time to time to draw drafts upon him for such money, in the form contained in the said schedule, N° VIII., and pay the same when they become due, specifying in every such receipt and draft the general purposes for which such money is to be applied; all which payments so to be respectively made, shall be allowed to the said churchwarden or overseer, in his accounts with the parish, township, or place, wherein such money shall be raised; and the accounts, as well of the said churchwarden or overseer, as of the said guardian, shall be examined at every monthly meeting, and shall be examined and passed quarterly by the visitor of such poor-house, after they shall have been verified upon oath before a justice of the peace.

Justices to appoint a governor of each poor-house.

IX. And be it further enacted, That it shall and may be lawful for two or more justices of the peace for the limit wherein such poor-house shall be situate, and they are hereby required, as soon as conveniently may be after such agreement shall have been made as aforesaid, for adopting the provisions of this act, either by a single parish or township, or by two or more parishes or townships, upon application made to them by two or more of the persons who shall have signed such agreement, and upon producing the same to them, to appoint one of the persons recommended for governor of such poor-house (in the form contained in the said schedule, N° VII., or to that or the like effect), who shall have the care, management, and employment of the poor persons to be sent thither, and shall be allowed such salary or wages for his trouble as shall be specified in the said agreement; and it shall and may be lawful for the visitor of such poor-house, with the consent of the guardians, or the major part of them, or for two or more justices of the peace for such limit where a guardian shall be visitor, to remove the governor of such poor-house, upon complaint and sufficient proof of misbehaviour or incapacity in the execution of his office.

Directions for the appointment of visitors.

X. And be it further enacted, That the guardians of the poor for the several parishes and townships which shall be so united as aforesaid, shall meet as soon as conveniently may be after such agreement shall have been made, to consider

of

of three proper persons, respectable in character and fortune, fit to be put in nomination for the office of visitor, of such poor-house; and two or more of such guardians shall, as soon as conveniently may be after such meeting, apply to two justices of the peace acting for the limit wherein such poor-house shall be, and produce to them the said agreement, and the names of the persons whom they shall desire to recommend; which justices shall then, or within three days after, appoint one of such persons so recommended to be visitor, in the form contained in the said schedule, N° VII., or to that or the like effect: but if he shall refuse to accept that office, they shall then appoint one other of the persons so named; and if he shall decline it, they shall appoint the third person named in such list; and if he shall decline it, the guardians of the said several parishes, townships, and places shall, and they are hereby required to serve that office monthly by rotation, subject to the controul of the justices of the limit where such poor-house shall be; and every such visitor, if not a guardian, is hereby authorised to nominate some discreet and proper person to be his deputy or assistant, if he shall think fit, in the form contained in the said schedule, N° IX.; and every such deputy or assistant shall, in the absence of such visitor, and under his direction, act as inspector of the several matters so committed to the care of the visitor, and shall make his report thereof, from time to time, to him, for his better information, and render him all the assistance in his power: And every visitor so to be appointed shall superintend every such house or houses, and settle and adjust the accounts between the said guardians of the poor, and the treasurer of such house, if any question or dispute shall arise respecting the same; and also shall settle and adjust all doubts and questions which may arise concerning the persons which ought to be sent to such house or houses, according to the intention of this act, and by every prudent means in his power enforce and promote the rules, orders, regulations, directions, and provisions established, enacted, and formed by and under this act, for the better accommodation and relief of the poor, and the preventing all unnecessary expences and burthens on the said parishes, townships, and places: And every such governor, guardian, and treasurer, is hereby required to observe and obey the directions which he shall from time to time receive from the visitor

Visitor may appoint a deputy.

Governor, &c. to obey the visitor.

visitor so to be appointed, touching the several matters aforesaid: And, where any act shall be required to be done by a justice of peace, such visitor, if not a justice, or his deputy or assistant, shall apply to some neighbouring magistrate to do the same: And every person to be nominated or appointed visitor or deputy visitor as aforesaid, as an inducement to his undertaking and executing that office, shall be freed and discharged from serving the office of constable, and all parochial offices, and also from serving upon juries at the assizes or quarter sessions, so long as he shall continue in that office; and a certificate under the hand of a justice of the peace acting for the limit wherein he executes such office, in the form contained in the said schedule N° X., shall be admitted as evidence of his serving the office.

Single parishes may have a visitor appointed.

XI. And be it further enacted, That if two thirds, in number and value as aforesaid, of the owners or occupiers of lands, tenements, or hereditaments, within any single parish, township, or place, which shall adopt the provisions of this act in manner aforesaid, shall desire to have a visitor appointed, and shall nominate and recommend to the justices of the limit, three persons properly qualified for that office, the justices, upon application to them in manner aforesaid, shall appoint one of the persons so recommended, in the manner hereinbefore directed concerning parishes, townships, and places so united as aforesaid.

A treasurer to be appointed.

XII. And be it further enacted, That the guardians of the several parishes and townships united for the purposes of this act, shall recommend to the justices one of their own body to be treasurer of the poor-house; and it shall and may be lawful for two justices of the limit to appoint the guardian so recommended, or any other of the guardians whom they shall think better qualified, to that office, in the form contained in the said schedule, N° VII., or to that or the like effect; which treasurer shall give sufficient security to the satisfaction of the justices, to the other guardians, and their successors, for his duly accounting for the money which shall come to his hands; and shall keep the accounts, receive the money to be contributed by each parish and township, and pay or discharge the several bills and expences which shall be allowed and ordered to be paid by the guardians, at their monthly meeting; and shall lay his accounts before the guardians, at every such meeting, for their perusal

His duty.

sal and approbation; and shall, once in every year, within fourteen days before the *Michaelmas* quarter sessions of the peace for the county, riding, division, city, or place where such poor-house shall be situate, make out, or cause to be made out, a just and fair account of the expences attending the same, distinguishing them under the several heads herein specified; and also an account of the number of poor persons, distinguishing their age and sex, which shall be contained in every such house at the time of making such account, and how they have been employed, and how much money hath been earned by the labour of the poor, in the year preceding; which shall be laid before the visitor, and signified under his hand, if he approves the same, and shall afterwards be transmitted to the clerk of the peace, or town clerk, of such county, riding, division, city, or place, before or at the time of the said quarter sessions, and be by him laid before the court there for their inspection: And every such treasurer shall be allowed, for his trouble in executing that office, such annual sum, not exceeding ten pounds, as the visitor, if not a guardian, shall think fit; and if no such visitor, as two justices of the peace for the limit shall appoint.

Appointment in case of vacancies.

XIII. And be it further enacted, That when and as often as any vacancy shall happen in any of the offices aforesaid, by death, resignation, or removal, meetings shall be called, and recommendations offered to the justices in manner aforesaid; and they shall proceed as soon as conveniently may be in the manner before directed, to appoint a fit and proper successor to the person so dying, declining to act, or so removed as aforesaid.

Continuance of guardian.

XIV. Provided always, and be it further enacted, That the offices of guardian, governor, visitor, or treasurer, to which any person shall be appointed under the authority of this act, shall determine in *Easter* week next after the respective persons shall be appointed thereto, on the day upon which the publick meeting for such parish, township, or place, shall be held there; when the persons, who, according to this act are qualified and have a right to recommend another person to the justices to be appointed to such office, shall either agree with the persons who held the same to continue in such office, or shall proceed to recommend others, in the manner hereinbefore directed, as if such person had died.

XV. And

Justices in a different limit may act in certain cases.

XV. And be it further enacted, That if within any such limit as aforesaid, wherein any poor-house shall be situate, there shall happen to be no acting justice, or only one acting justice of the peace, or if the justice or justices of the peace who usually act in that limit shall be absent, or by any means incapacitated to act, it shall and may be lawful for any justice or justices of any other limit to act in all such cases.

Justices may appoint special sessions for executing the powers of this act.

XVI. And be it further enacted, That it shall and may be lawful for the justices of the peace, within their respective limits, to appoint special or privy sessions for executing the several powers and purposes of this act, causing proper notices to be given of the time and place of holding the same, to the several justices of the peace, peace officers, and guardians of the poor within such respective limits; and also to adjourn any such privy sessions, to be again holden at such time and place as they shall judge most proper for discharging the business required by this act, and such other business which may happen to fall under their cognizance, so as to occasion the least trouble to themselves, and to afford the greatest convenience and accommodation to the publick, causing the like notices to be given of every such adjournment.

Guardians shall provide houses, and proper utensils, &c.

XVII. And be it further enacted, That the guardians of the poor of the several parishes, townships, and places, which shall adopt the provisions of this act, shall provide a suitable and convenient house or houses with proper buildings and accommodations thereto, when wanted, either by erecting new ones on land to be purchased or rented by them for that purpose, altering old ones, or hiring buildings for the purpose; and shall fit up and dispose the same, with the advice and approbation of the visitor, if any, in such manner as shall be most conducive to the general purposes of this act, at the expence of such parish or township, or parishes, townships, and places respectively, in the proportions hereinafter mentioned; and shall provide such utensils and materials as they shall think necessary for their employment, according to the true intent and meaning of this act.

Poor-houses where to be situated.

XVIII. And be it further enacted, That the several poor-houses or workhouses to be built or provided under the authority of this act, shall be situate within the parish or township for which they shall be used, if single parishes or townships,

ships, and if several parishes or townships shall be united for the purposes of this act, they shall be built or provided, within one of the parishes or townships so to be united, and not in any other parish, township, or place, without the consent of three fourth parts, in number and value as aforesaid, of such owners or occupiers of lands, tenements, or hereditaments, within the same, first had and obtained qualified as hereinbefore mentioned, who shall be assembled at a publick meeting to be holden in the manner, and upon the like notice, hereinbefore directed for publick meetings.

On what conditions lands, &c. shall be rented.

XIX. Provided always, and be it further enacted, That all the houses, buildings, and lands, to be hired or rented under the authority of this act, shall be hired or rented in such manner for such term or terms, and on such conditions, as are specified in the form of agreement contained in the said schedule, N° IV.; and all such houses, buildings, and lands, shall be free from all parochial and parliamentary taxes, except such taxes, and to such amount, as they were assessed at the time they were first taken and applied for the purposes of this act.

Buildings to be paid for by the guardians.

XX. And be it further enacted, That when any such buildings shall be agreed to be erected, repaired, or fitted up, at the expence of the parish, township, or place, or parishes, townships, or places, which shall adopt the provisions of this act as aforesaid, the expences thereof, and of the purchase of the land necessary to be used for that purpose, shall be paid by the guardians of the poor of such parish, township, or place, or of the parishes, townships, and places, where they shall unite for those purposes, in the proportions to be settled and adjusted by the persons, and in the manner directed by the agreement to be made as aforesaid; and that it shall and may be lawful for the visitor and guardian of the poor of any such parish, township, or place, when such expences, or their proportion thereof, shall amount to one hundred pounds or upwards, to borrow the same at interest, and secure such money by a charge upon the poor's rates of such parish, township, or place, in sums not exceeding fifty pounds each, for the greater ease in discharging the same, in the form contained in the said schedule, N° XI., or to that or the like effect; which charge shall continue upon the said rates until the money so borrowed, and all interest for the same shall be fully paid and satisfied:

Visitors and guardians impowered to borrow money.

satisfied: And the said guardians and their successors shall, and they are hereby required duly to pay and keep down the interest of such money so to be borrowed, for the use of their respective parishes, or townships, as the same shall become due; and that when the principal shall be called for, they may borrow it from some other person or persons; and the same shall be secured to the person advancing the same by an assignment of such security indorsed on the back thereof, in the form contained in the said schedule, N° XIV. or to that or the like effect: And that the poor's assessments shall continue at the same rate they were when such poor-house was first established under the authority of this act, until the debt so contracted, and the interest thereof, shall be fully discharged: And that the said visitor and guardian, in order to expedite such payments, shall, as soon as the savings in the poor's accounts shall amount to a sum sufficient to pay off and discharge one of the sums which shall have been borrowed, pay off and discharge such sum, and in like manner as to all succeeding savings, until the whole debt so contracted and secured shall be discharged.

Visitors and guardians to be incorporated.

XXI. And be it further enacted, That the visitor and guardian for the time being of every parish, township, and place, or of the several parishes, townships, and places which shall be so united as aforesaid, from and after they shall respectively have adopted the provisions of this act, shall be, and are hereby respectively declared to be one body politick and corporate, and to be called by the name of *visitor and guardian*, or *visitors and guardians, of the poor for the parish, township*, or *place of* *in the county*, &c. *of* or *of the united parishes, townships*, or *places of* *and* *in the county*, &c. *of* as the case shall be; and are hereby authorized and enabled by that name to sue and be sued, and to accept, take, and hold, by purchase or lease, any lands, tenements, or hereditaments of inheritance or for lives or years, or for years determinable on the death of any life or lives, not exceeding in any city or town one acre, and not exceeding in the open country twenty acres of statute measure, for the scite of a house or houses to be built, and for lands to be occupied, for the purposes of this act; and the said corporation is also hereby authorized and enabled to accept, take, and hold all voluntary grants and donation

Their names.

donations of lands, tenements, or hereditaments of inheritance, or for lives or years, or for years determinable on lives, or of personal property, which shall be made to them for the use and benefit of the poor within such respective parishes, townships, or places.

Incapacitated persons impowered to sell lands, &c.

XXII. And be it further enacted, That it shall and may be lawful for all bodies politick, corporate, or collegiate, corporations aggregate or sole, husbands, guardians, trustees, feoffees in trust, committees, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of their cestuique trusts, whether infants, issue unborn, lunaticks, idiots, femes-covert, or other person or persons, and to and for all femes-covert, who are or shall be seised, possessed of, or interested in their own right, and to and for every other person and persons whomsoever, who are or shall be seised, possessed of, or interested in any lands, tenements, or hereditaments, which shall be necessary to be purchased or rented for the purposes of this act, to contract for, sell, and convey, or lease the same, or any part thereof, in manner aforesaid, not exceeding the quantity aforesaid, unto the said visitor and guardians, their successors and assigns, or to such person or persons as they shall nominate and appoint, for the use and benefit of such poor-house, and the poor persons within such parishes, townships, and places respectively, and for all other the purposes of this act.

Money paid for such lands, &c. to be laid out in the purchase of other lands, &c. to be settled to the same uses.

XXIII. And be it further enacted, That all sums of money which are to be paid to any bodies politick, corporate, or collegiate, corporations aggregate or sole, feoffees in trust, executors, administrators, husbands, guardians, committees, or other trustees whatsoever, for or on behalf of any infant, lunatick, idiot, feme-covert, or other cestuique trust, or to any person or persons whose lands are limited in strict settlement, for the purchase of any lands or buildings as aforesaid, shall, in case the same exceed the sum of twenty pounds, by such bodies politick, corporate or collegiate, corporations aggregate or sole, feoffees in trust, executors, administrators, husbands, guardians, committees, or other trustees, person or persons seised of lands or buildings so limited in strict settlement, be laid out, as soon as conveniently may be, in the purchase of lands, tenements, and

hereditaments, in fee-simple, and conveyed to or to the use of such bodies politick, corporate, or collegiate, corporations aggregate or sole, feoffees in trust, executors, administrators, husbands, guardians, committees, or other trustees, or to and for such other person or persons, and for such estates, and to, for, upon, and subject to such uses, trusts, limitations, remainders, and contingencies, as the lands for or in respect whereof such purchase money shall be so paid as aforesaid were limited, settled, and assured at the time such purchase was made, or so many of such uses as shall be then existing, and capable of taking effect; such purchases and settlements to be made at the expence of the respective parish, or of the several parishes so uniting, in the proportions afore-mentioned, and charged by the respective guardians of such parishes, together with the purchase money, in their accounts; and in the mean time, and until such purchase or purchases shall be made, the said money shall be placed out by such bodies politick, corporate or collegiate, corporations aggregate or sole, feoffees in trust, executors, administrators, husbands, guardians, committees, or other trustees, person or persons, in some of the publick funds, or on government or real security, in the name of two or more persons, the one to be named by the party or parties interested therein, and the other by the guardian, if it respects a single parish only, and by the visitor, if it respects several parishes, townships, or places, so united as aforesaid; and the interest arising and to be produced from such funds or securities, and also the annual rent, where the said premises shall be rented, shall be paid to such person or persons respectively as would, for the time being, be entitled to the rents and profits of such lands or buildings so to be purchased and settled, pursuant to the tenor and true meaning of this act.

Poor to be maintained at the general expence of the respective parishes.

XXIV. And be it further enacted, That the poor persons who shall be sent to every such house, by virtue and under the authority of this act, shall be maintained therein at the general expence of the respective parishes, townships, and places, so adopting the provisions of this act as aforesaid, according to the terms, and in the proportions, directed and prescribed by this act; and that the treasurer, with the assistance of the governor of every such house, to be appointed as aforesaid, shall provide all fit and necessary provisions

Guardians to meet monthly.

for the maintenance of such poor, and keep an account thereof; and that there shall be a meeting of the guardians of the poor of every such parish, township, and place, at such house or houses, on the first *Monday* in every month, at the hour of ten in the forenoon, or on such other day and hour in the first week of every month, as the said guardians shall at their first meeting appoint, to state, examine, inspect, and adjust the accounts for the preceding month: and that at such meeting, the said treasurer shall produce, fairly written, one account of the debt incurred in the preceding month, for utensils and materials for the purpose of manufacture, and for furniture, alterations, or repairs of the buildings, and also for the salary or allowance to the governor or treasurer, and servants (if any), in which account the rent of such house or houses, buildings, and premises, if the same shall be rented, shall be charged in the month next after such rent shall become due, according to the terms of the agreement for taking the same; which account, when settled and agreed to, shall be signed by the said guardians attending such meeting: And the sums to be paid by each of such parishes, townships, and places, on that account, shall be settled and adjusted at such meeting, in proportion to the sums paid by each such parishes, townships, and places, on account of their poor, on a medium of three years next preceding the date of such agreement, (to be settled and ascertained at such first monthly meeting, in the manner to be specified by the said agreement so to be entered into for uniting as aforesaid, and according to the mode or form, and table, contained or referred to in the said schedule, N° XV.), and in like manner, and in the like proportions, at every succeeding monthly meeting; and the money shall be then, or within one week after, paid into the hands of the said treasurer, to be by him applied in the discharge of the several articles and debts contained in such account: And the said treasurer shall also at the same time produce, fairly written, one other account, of the victuals, beer, firing, and other necessaries, for the use and maintenance of the poor, and of the governor, at such house or houses, and all other incidental expences; which shall be then accounted for, and proportioned by the said guardians according to the number of persons which shall have been sent from each of the said respective parishes, townships,

Treasurer at each meeting to produce an account of debts incurred for utensils, furniture, &c.

and also an account of the victuals, beer, &c. used in the poor house.

and places, and for the time they shall have resided in such house or houses, within such month, according to the mode or form, and table, and in the manner, for that purpose also mentioned in the said schedule, N° XVI.; and the sum due from each parish, township, or place, shall be specified at the foot of such account, which shall, when settled and agreed to, be signed by such guardians, or the major part of them, and be afterwards inspected by the visitor, if not a guardian, and allowed by him if he shall approve thereof; and in case default shall be made in payment of the respective sums so proportioned to be paid in respect of any such parish, township, or place, for seven days after the same shall be so settled and proportioned, and the money demanded, it shall and may be lawful for any justice of the peace for the limit where such house or houses shall be situate, upon complaint made to him upon oath of such default, to levy the said respective sums, to be settled and proportioned as aforesaid, by distress and sale of the goods and chattels of any guardian of the poor for any such parish, township, or place, making such default; and at the end of every year the account shall be finally closed, and the balances paid and received according to the mode prescribed by the said schedule, N° XVI.

Penalty on persons refusing to deliver up poor's rates, &c. after proper demand.

XXV. And be it further enacted, That the churchwarden or overseer of the poor of any parish, township, or place, who shall have the custody of the poor's rates, assessments, or accounts, for such parish, township, or place, shall, and is hereby required to produce the same to the persons who shall be nominated in the agreement contained in the said schedule for uniting parishes, on every request made by them for that purpose, after four days notice thereof, in order to enable them to ascertain the expences relative to the poor, on a medium of three years, according to the directions, true intent, and meaning of this act, or in default thereof shall forfeit the sum of five pounds for every such refusal or neglect.

Penalty on guardians who shall neglect to attend monthly meetings.

XXVI. And be it further enacted, That if the guardian of the poor for any parish, township, or place, which shall adopt the said provisions as aforesaid, shall not attend each monthly meeting hereby directed to be holden, or send some substantial inhabitant of such parish, township, or place, to attend and answer the payments for him, in case he shall be

prevented by sickness, or other unavoidable accident, from attending in person, the guardian for every such parish, township, and place, making such default, shall, for every such neglect, forfeit a sum not exceeding five pounds, nor less than forty shillings.

Waste land adjoining to poor houses may be inclosed, with consent of the lord of manor, &c.

XXVII. And be it further enacted, That in order to encourage the salutary and benevolent purposes of this act, and to afford better accommodations for the poor at such poor houses, it shall and may be lawful for the guardians of the poor, where any such poor-house shall be provided, purchased, or agreed to be erected, to inclose from any waste or common land or ground lying near or adjoining thereto, with the consent and approbation of the lord of the manor, and the major part in value of the freeholders or persons having right of common thereupon, signified under their hands and seals, any part or portion of such waste or common land, not exceeding ten acres, for the purpose of building upon, or occupying, cultivating, and improving the same, for the use and benefit of such poor-house, and the poor persons within the parish, township, or place, where the same shall be, or within the parishes, townships, or places, which shall be united therewith for the purposes of this act.

Persons sent to poor houses to deliver an order signed by a guardian.

XXVIII. And be it further enacted, That every person or persons to be sent to any house or houses to be provided under the authority of this act, shall, at the time of his or her entering such house, deliver, or cause to be delivered, to the governor thereof, or to his assistant, if any, an order, signed by one of the guardians of the poor of the parish township, or place, from which such person shall come, for the admission of such person or persons, in the form or the effect contained in the said schedule, N° XII.; which order shall be carefully kept by the governor, and entered by him in a book to be provided for that purpose.

What persons may be sent to the poor houses.

XXIX. And, to render the provisions of this act more practicable and beneficial, be it further enacted, That no person shall be sent to such poor house or houses, except such as are become indigent by old age, sickness, or infirmities, and are unable to acquire a maintenance by their labour; and except such orphan children as shall be sent thither by order of the guardian or guardians of the poor, with the approbation of the visitor; and except such children

dren as shall necessarily go with their mothers thither for sustenance.

How poor children are to be provided for.

XXX. And be it further enacted, That all infant children of tender years, and who, from accident or misfortune, shall become chargeable to the parish or place to which they belong, may either be sent to such poor-house as aforesaid, or be placed by the guardian or guardians of the poor, with the approbation of the visitor, with some reputable person or persons in or near the parish, township, or place, to which they belong, at such weekly allowance as shall be agreed upon between the parish officers, and such person or persons, with the approbation of the visitor, until such child or children shall be of sufficient age to be put into service, or bound apprentice to husbandry, or some trade or occupation; and a list of the names of every child so placed out, and by whom and where kept, shall be given to the visitor, who shall see that they are properly treated, or cause them to be removed, and placed under the care of some other person or persons, if he finds just cause so to do; and when every such child shall attain such age, he or she shall be so placed out, at the expence of the parish, township, or place, to which he or she shall belong, according to the laws in being: Provided nevertheless, that if the parents or relations of any poor child sent to such house, or so placed out as aforesaid, or any other responsible person, shall desire to receive and provide for any such poor child or children, and signify the same to the guardians at their monthly meeting, the guardians shall, and are hereby required to dismiss, or cause to be dismissed, such child or children from the poor-house, or from the care of such person or persons as aforesaid, and deliver him, her, or them, to the parent, relation, or other person so applying as aforesaid: Provided also, that nothing herein contained shall give any power to separate any child or children, under the age of seven years, from his, her, or their parent or parents, without the consent of such parent or parents.

Idle persons who neglect to provide for their families, shall be prosecuted by the guardians.

XXXI. And be it further enacted, That all idle or disorderly persons, who are able, but unwilling, to work or maintain themselves and their families, shall be prosecuted by the guardians of the poor of the several parishes, townships, and places, wherein they reside, and punished in such manner as idle and disorderly persons are directed to be by the

statute made in the seventeenth year of the reign of His late Majesty King *George* the second; and if any guardian shall neglect to make complaint thereof, against every such person or persons, to some neighbouring justice of the peace, within ten days after it shall come to his knowledge, he shall, for every such neglect, forfeit a sum not exceeding five pounds, nor less than twenty shillings, one moiety thereof, when recovered, shall be paid to the informer, and the other moiety to be disposed of as the other forfeitures are hereinafter directed to be applied.

How guardians are to proceed relative to poor persons who cannot get employment.

XXXII. And be it further enacted, That where there shall be, in any parish, township, or place, any poor person or persons who shall be able and willing to work, but who cannot get employment, it shall and may be lawful for the guardian of the poor of such parish, township, or place, and he is hereby required, on application made to him by or on behalf of such poor person, to agree for the labour of such poor person or persons, at any work or employment suited to his or her strength and capacity, in any parish, township, or place, near the place of his or her residence, and to maintain, or cause such person or persons to be properly maintained, lodged, and provided for, until such employment shall be procured, and during the time of such work, and to receive the money to be earned by such work or labour, and apply it in such maintenance, as far as the same will go, and make up the deficiency, if any; and if the same shall happen to exceed the money expended in such maintenance, to account for the surplus, which shall afterwards, within one calendar month, be given to such poor person or persons who shall have earned such money, if no further expences shall be then incurred on his or her account to exhaust the same: And in case such poor person or persons shall refuse to work, or run away from such work or employment, complaint shall be made thereof by the guardian to some justice or justices of the peace in or near the said parish, township, or place, who shall enquire into the same upon oath, and on conviction punish such offender or offenders, by committing him, her, or them, to the house of correction, there to be be kept to hard labour for any time not exceeding three calendar months, nor less than one calendar month.

Guardians to provide suitable

XXXIII. And be it further enacted, That the guardian of the poor for any parish, township, or place, adopting the provisions

provisions of this act as aforesaid, shall provide, at the expence of such parish, township, or place, suitable and necessary clothing for the persons sent by him to such poor-house as aforesaid; and in case of his neglect so to do, the governor or one of the guardians of every such house shall make complaint thereof to some neighbouring justice of the peace, who shall summon the guardian so making neglect to appear before him to answer the said complaint, and direct him to provide such clothing as shall to such justice appear necessary; and if such guardian shall make default in providing such clothing within ten days after such direction, it shall and may be lawful for such justice of the peace to direct the governor of such poor-house, or the guardian so making such complaint, to provide the same, and to demand from such guardian so making neglect, the charges and expences of such clothing; and in default of payment thereof, upon demand made, it shall and may be lawful for such justice or justices of the peace to levy the same, and the costs and charges attending the recovery thereof, by distress and sale of the goods and chattels of every such guardian so making default.

clothing for the persons they send to the poor houses.

XXXIV. And be it further enacted, That the rules, orders, and regulations, specified and contained in the schedule hereunto annexed, shall be duly observed and enforced at every poor-house or workhouse to be provided by virtue of this act, with such additions as shall be made by the justices of the peace of the limit wherein such house or houses shall be situate, at some special session; provided that such additions shall not be contradictory to the rules, orders, and regulations established by this act, and provided that the same be not repealed by the justices at their quarter sessions of the peace; and for the purpose of having them more generally known, and more strictly attended to, the governors of every such house or houses shall, and are hereby required to cause the same to be printed in plain legible characters, and fixed up in some conspicuous part of every such house or houses.

Rules and orders contained in the schedule to be observed at the poor houses.

" XXXV. And whereas, by the said act of the ninth of King George the first, directions are given touching the application to be made by poor persons, and the manner in which they are to be relieved, by orders from justices of the peace; but, from a want of proper descriptions of the poor, who are to be the

Justices, on complaint that any guardian hath refused relief to any poor person, may direct

such guardian to send the complainant to the poor-house.

objects of such relief, from a want of proper accommodations in many parishes, townships, and places, and from want of the means of enforcing the orders of the justices for such relief, the said act hath not had its proper effect, and the poor have been frequently reduced to hardships and distresses:" For remedy whereof, be it further enacted, That it shall and may be lawful for any justice of the peace, on complaint made upon oath, by or on the behalf of any poor person belonging to any parish, township, or place, that the guardian, upon application made to him, hath refused such poor person proper relief, and after enquiring into the condition and circumstance of such poor person upon oath, either to order him or her, by writing under the hand of such justice, some weekly or other relief, or direct such guardian to send such poor person to the poor-house, in case he or she shall appear a fit object to be kept and provided for there, according to the true intent and construction of this act; which order shall be complied with, or sufficient cause shewn to the contrary, before such justice, by such guardian, within two days after he shall receive the same; (and every person receiving weekly relief shall wear the badge directed by the act made in the eighth and ninth years of the reign of King *William* the Third, unless directed otherwise by a justice of the peace, upon proof of very decent and orderly behaviour); or, if it shall appear to such justice, that the person so complaining, or on whose behalf such complaint is made, is able and willing to work, but wants employment, in that case it shall and may be lawful for such justice to order the guardian to procure him or her maintenance and employment in the manner hereinbefore directed; and if any guardian shall, upon due notice of any such order, refuse or neglect to obey the same, he shall, for every such refusal or neglect, forfeit the sum of five pounds; or if it shall appear to such justice, that the person making such complaint, or on whose behalf such complaint is made, is an idle or disorderly person, and has not used proper means to get employment, it shall and may be lawful for the justice, after examining such person, and hearing the whole circumstances of the case, to commit such person to the house of correction for any time not exceeding three calendar months, nor less than one calendar month; or if it shall appear to such justice, upon enquiry as aforesaid, that the husband or father of such person making complaint, or on whose

If the justice shall find that the complainant is an idle person, he may commit him to the house of correction.

behalf complaint shall be so made, for want of relief, is an idle or disorderly person, able to work, but by his neglect of work, or for want of seeking employment, or by spending the money he earns in ale-houses, or places of bad repute, does not maintain his wife or children, and suffers them to be reduced to want, it shall and may be lawful for such justice of the peace, in like manner, to commit the husband of such poor woman, or the father of such poor child or children, to the house of correction, for any time not exceeding three calendar months, nor less than one calendar month.

Guardian not to be summoned before the justice; unless the complainant shall have applied both to the guardian and visitor.

XXXVI. Provided always, and be it further enacted, That, when any complaint or application shall be made to a justice of the peace, for the relief of any poor person, within any parish, township, or place, for which a visitor shall be appointed, such justice shall not summon the guardian to appear before him, unless application shall have been first made, by the person so complaining, to the guardian, and, if he refuses redress, to the visitor, (it being part of his duty to adjust matters of that sort,) who shall order relief if he thinks it necessary, either within or out of the poor-house, as he shall judge right; but if sufficient relief shall not be so given or ordered, the poor person complaining, or on whose behalf such complaint shall be made, shall be redressed by such justice in the manner hereinbefore directed.

Application of penalties inflicted on guardians.

XXXVII. And be it further enacted, That out of the penalty hereby inflicted upon the guardian for disobeying the order of a justice of the peace for the relief and maintenance of any poor person, so much thereof as the justice of the peace who shall convict such offender shall direct to be paid to such poor person to whom such relief was ordered, shall be paid to him or her accordingly, and the remainder applied in such manner as the other penalties are hereby directed to be disposed of.

Directions relative to such poor persons who shall be afflicted with sickness, &c. when at a distance from their parish.

XXXVIII. And be it further enacted, That if any poor person shall be retarded on his or her passage through any parish, township, or place, in which he or she has no legal settlement, by reason of his or her meeting with any accident, or being afflicted with any dangerous sickness or bodily infirmity, without the means of subsistence, or of proceeding to the place of his or her settlement, the guardian living near the place where such distressed object shall be, shall, and is hereby required, upon notice thereof, forthwith to provide lodging,

lodging, and suitable nourishment and assistance (and also clothing if necessary) for such person, until he or she can be removed with safety; and when such person shall be in a state of health fit to be removed, shall take such person to some neighbouring justices of the peace of the county, riding, division, city, or place, where such person was found, who shall examine him or her upon oath, touching the place of his or her settlement, and make an order for his or her removal thither, if they think fit: And the parish officer who shall so receive and provide for such person or persons as aforesaid, shall make a charge of the expences attending the same, which on being allowed and certified by the justices before whom such poor person shall be so taken, or some other neighbouring justices within the limit where such person was found, the same shall be paid by the guardian of the parish, township, or place, where such poor person shall be settled, in case the same can be discovered, and shall happen to be within that county, on demand made thereof, and on the production of such allowance and certificate as aforesaid, or in default of payment, the same shall be levied on the goods and chattels of any such guardian so making default, after due summons, by warrant from a justice of peace having jurisdiction there; and if any poor and sick person circumstanced as aforesaid shall die before he or she can be so examined, or if any poor person shall be found dead in any parish or place to which he or she did not belong, the guardian of such parish or place respectively shall, and is hereby required in every such case, to cause such person to be buried in the parish, township, or place, where he or she so died or was found dead, and shall make a charge of the expences attending the same respectively, which shall be allowed and certified by a justice of the peace, after examining into the place of his or her settlement, and shall be paid by the guardian of the parish, township, or place, where such person shall appear to have been settled, if the same shall be within that county; but in case the settlement of such poor persons respectively cannot be discovered, or shall not be within that county, the same shall be paid by the treasurer of such county, riding, division, city, or place, where such person was so relieved, on the production of such allowance and certificate, out of the county or publick money to be collected within his limit, and allowed to such treasurer in his accounts.

XXXIX. And

XXXIX. And be it further enacted, That nothing herein contained shall extend or be construed to extend, to alter or affect the settlement of any person or persons whomsoever, or to give any illegitimate child, who may be born in any poor-house or workhouse established under the authority of this act, a settlement in the parish or place in which such work-house or poor-house shall be situated, (but every such child shall be considered as settled in the parish or place to which the mother belongs), or to alter or affect any of the provisions, directions, rules, orders, or regulations established by any act or acts of parliament for the management and government of any particular house of industry, or workhouse, in any part of this kingdom; any thing herein contained to the contrary thereof in anywise notwithstanding.

Not to alter the settlement of any person, &c.

XL. And be it further enacted, That if any poor person, who shall be sent to such house or houses, shall embezzle or wilfully waste any of the goods or materials committed to his or her care, or shall take or carry away, without permission of the governor, any goods or materials provided for the use of such house, or belonging to any person residing there, complaint shall be made thereof upon oath to some neighbouring justice of peace living near such house; who shall hear the same, and the party accused; and such justice is hereby authorised, upon conviction, to commit such offender to the house of correction, there to be kept to hard labour for any time not exceeding six calendar months, nor less than two calendar months, as the said justice shall think fit and direct.

Penalty on persons who shall embezzle or waste goods, &c. committed to their care in any poor-house.

"XLI. And whereas it frequently happens that poor children, pregnant women, or poor persons afflicted with sickness or some bodily infirmity, are enticed, taken, or conveyed, by parish officers, or other persons, from one parish or place to another, without any legal order of removal, in order to ease the one parish or place, and to burthen the other with such poor persons:" For remedy whereof, be it further enacted, That when any guardian, or other person or persons, shall so entice, take, convey, or remove, or cause or procure to be so enticed, taken, conveyed, or removed, any such poor person or persons, from one parish or place to another, which shall adopt the provisions of this act, without an order of removal from two justices of the peace for that purpose, every person or persons so offending shall, for every such offence, forfeit a sum

Penalty on enticing or removing pregnant women, &c. from one parish to another, without an order from two justices.

a sum not exceeding twenty pounds, nor less than five pounds.

Penalty on visitors, guardians, and governors who shall furnish provisions, &c. for the poor-house to which they belong.

XLII. And be it further enacted, That if any visitor, guardian, or governor, shall sell or furnish any materials, goods, clothes, victuals, or provisions, or do any work in his trade for the use of any workhouse, poor-house, or poor persons, within any parish, township, or place, for which he shall be so appointed to act, or be concerned in trade or interest with any person or persons who shall sell, provide, do, or furnish the same, he shall, for every such offence, forfeit a sum not exceeding twenty pounds, nor less than five pounds, on being duly convicted thereof by a justice of the peace.

Guardians, with the approbation of the parishioners, may sell houses provided by the parish for the poor thereof.

XLIII. And be it further enacted, That it shall and may be lawful for the guardians of the poor of any parish, township, or place, which shall adopt the provisions of this act, with the approbation of the persons, within such parish, township, or place, qualified as hereinbefore mentioned, obtained at a publick meeting held for that purpose, to sell or dispose of any house, cottage, or building, which shall have been erected or purchased for the use of any poor person or persons, at the expence of such parish, township, or place, and apply the money arising therefrom for the purposes of this act; and also to remove, by order from a justice or justices of the peace, the person or persons who shall inhabit the same, or any other house or dwelling rented or provided at the expence of such parish, township, or place, if he, she, or they refuse to quit, after receiving fourteen days notice for that purpose.

This act not to extend to any place which shall not adopt the provisions thereof.

XLIV. Provided always, and be it further enacted, That nothing in this act contained shall extend to or affect, or be deemed, construed, or adjudged to extend to or affect, any parish, township, or place, which shall not agree to adopt the provisions herein contained, in the manner hereby directed and prescribed; any thing herein contained to the contrary thereof notwithstanding.

Penalties and forfeitures how to be recovered and applied.

XLV. And be it further enacted, That all penalties inflicted by this act shall be recovered before one or more justice or justices of the peace of the jurisdiction where the offender dwells; who shall, upon conviction, in default of payment, after due summons, and demand made, cause the same to be levied by distress and sale of the offender's goods and

and chattels, by virtue of a warrant under the hand and seal of any justice of the peace having jurisdiction where such offender shall dwell, rendering to the said offender the overplus (if any) after the charges of such distress and sale shall be deducted; and in case sufficient distress shall not be found, then, and in every such case, it shall and may be lawful to and for any such justice of the peace to commit such offender to the house of correction, there to remain, without bail or mainprize, for any space not exceeding six calendar months, nor less than one calendar month; and that every such penalty and forfeiture, if not hereby otherwise directed to be disposed of, shall be paid to the treasurer of every such house or houses, where any such shall be established under the authority of this act, to be applied by him towards defraying the monthly expences of victuals, beer, firing, and other necessary provisions for the poor within such house or houses.

Persons aggrieved may appeal to the quarter sessions;

XLVI. And be it further enacted, That any person aggrieved by the act of any justice or justices of the peace out of sessions, in or concerning the execution of this act, may appeal to the next general quarter sessions of the peace for the county, riding, liberty, division, precinct, or district, wherein such act was done, giving eight days notice thereof to the party against whom the complaint shall be made, and giving security, by recognizance, to be acknowledged before a justice of the peace, with a sufficient surety, to pay the costs attending such appeal, if the matter shall be determined against the appellant; and the justices at such quarter sessions are hereby authorized to hear and determine such appeal, and to award costs, for or against the appellant, as they shall see just cause so to do; which determination shall be final, and shall not be removed by *certiorari*.

whose determination shall be final.

Publick act.

XLVII. And be it further enacted, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever without specially pleading the same.

SCHEDULE

Containing the forms of proceedings referred to by the aforesaid act.

N° I.

Form of agreement at a publick meeting, for a single parish or township to adopt the provisions, rules, and regulations of an act, made in the twenty-second year of George *the third,* for the better relief and employment of the poor.

IT is agreed, at a publick meeting duly holden this day of at in the county of pursuant to the directions of an act, made in the twenty-second year of King *George* the third, *for the better relief and employment of the poor*, that the parish [*or* township] of [*as the case shall be*] shall from henceforth adopt, in all respects, the provisions, rules, orders, and regulations, and comply with all the requisites prescribed by the said act; and that our workhouse [*if there is one*] shall be immediately fitted up and accommodated for the purposes mentioned in the said act. [*If there is none.*] We will forthwith provide a proper workhouse, either by erecting a new one, or hiring, altering, and fitting up buildings suitable to the purpose, at some convenient place, within our parish, *et cetera.* And we recommend to the consideration of the justices and as fit and proper persons for guardians of the poor; and and as fit and proper persons for governors of the poor-house, for the said parish, township, *et cetera;* [*as the case shall be.*]

Given under our hands, *et cetera.*

N° II.

Form of consent and approbation of the justices.

WE *A. B.* and *C. D.* esquires, two of His Majesty's justices of the peace for the county, *et cetera*, of [*as the case shall be*] considering the parish or township, *et cetera*, of within the said county, *et cetera*, to be of magnitude sufficient to have a workhouse provided within it for the

the reception and employment of the poor, and to adopt the provisions of the act *(for the better relief and employment of the poor)* passed in the twenty-second year of the reign of King *George* the third, do hereby give our approbation and consent thereto, pursuant to the directions of the said act; and we do also agree to the salaries fixed by the said agreement to be paid to the guardian and governor.

Given under our hands, this day of

N° III.

Form of agreement, at the publick meeting, for two or more parishes, townships, or places, to unite in adopting the provisions of the act made in the twenty-second year of King George *the third*, for the better relief and employment of the poor.

IT is agreed at a publick meeting, duly held this day of at in the county of pursuant to the directions of the said act, That the parish [*or* township] of [*as the case shall be*] shall, from henceforth, in conjunction with the parishes or townships of and [*as the case shall be*] adopt in all respects the provisions, rules, orders, and regulations, and comply with all the requisites prescribed by the said act for parishes uniting for those purposes; and that a convenient workhouse, and other buildings and necessary conveniences, shall be immediately provided at or near and properly fitted up and accommodated for the purposes mentioned in the said act: And we recommend to the consideration of the justices of the limit wherein such workhouse will be situate, *A. B.*, *C. D.*, and *E. F.*, as fit and proper persons qualified for guardians of the poor; and *G. H.*, *I. K.*, and *L. M.*, as fit persons to be governors of the poor-house for the said parish [*or* township, *as the case shall be*]; and do agree to allow the person who shall be appointed guardian a salary of *per annum* for his trouble in executing that office; and to the person who shall be appointed governor of the poor-house a salary of for his trouble in executing that office.

N° IV.

N° IV.

Form of agreement for uniting the parishes [or *townships*, as the case shall be] *of* A., B., C., *and* D., *for the purpose of providing a house or houses, and the better maintaining and employing their poor, pursuant to the statute of the twenty-second year of King* George *the Third.*

IT is agreed, this day of by and between the guardians of the poor of the parishes of and and of the townships of and in the county of (which maintain their own poor separate and distinct from the other parts of their respective parishes) whose names are hereunto subscribed, pursuant to the opinion of two third parts in number and value as aforesaid, of the owners or occupiers of lands, tenements, and hereditaments assessed to the poor's rates within such respective parishes and townships, at meetings duly held for that purpose, qualified according to the directions of the act passed in the twenty-second year of the reign of His Majesty King *George* the Third, and with the approbation of *A. B.* and *C. D.* two justices of the peace, according to the directions of the said act, that the said respective parishes and townships shall be united for the better maintaining and employing their poor; and that a convenient house or houses, with proper buildings and accommodations thereto, and with lands fit for gardens, orchards, and the keeping of a cow or cows, shall be built, [purchased, *or* hired, *as shall be found most suitable*] at or near for the reception and accommodation of the poor, as soon as conveniently may be, and if hired, the same shall be rented upon such terms as shall be agreed upon between the guardians of the poor of the said several parishes and townships, or the major part of them, and the person or persons owning or being authorised to let such buildings, lands, and premises; but no such agreement shall be made for a longer term than twenty-one years unless the guardian or guardians shall have an option to vacate it at the end of that term, on giving twelve months notice in writing of his or their intentions so to do, nor for a shorter term than three years; and such houses shall be fitted up and made convenient for the

the purposes aforesaid, at the expence of the landlords [*or* tenants, *as shall be agreed between them*]; that the rents of the said houses, the expences of fitting up, making additions or alterations, [*where they shall be agreed to be paid by the tenants,*] and of the furniture thereof, and also the utensils and materials to be used for the purpose of employing the poor, and the wages and allowances to be paid to the governor of the house, shall be paid by the said several guardians in their due proportions, according to the amount of the money raised by the poor's rates for their several parishes and townships, in respect of their poor, on a medium of three years preceding such agreement; and that such proportion shall be ascertained by and whom we have nominated for that purpose, and shall be paid by the guardians of the poor of the said respective parishes and townships, to the person who shall be authorized to receive the same, within seven days after the same shall be so ascertained; and that the money earned by the labour of such poor shall be brought to the credit of that account at the end of every year: That the expences of victuals, beer, and firing, for the poor and the governor, [and for the assistants, *when any shall be found necessary,*] in every such house or houses, with all other small incidental expences, shall be proportioned, at the end of every month, according to the number of poor which shall be sent from each of the said respective parishes, townships, and places, and for the time they shall have resided there within such month: That the guardians of the poor of any of the said parishes, townships, or places, shall be at liberty to withdraw from this agreement at the end of the first three years, or any succeeding three years, on giving twelve months notice of such their intention if it shall be so determined by three fourth parts of the owners or occupiers of lands, tenements, or hereditaments, assessed to the poor's rates, and qualified as aforesaid at a publick meeting, summoned by due notice as aforesaid, specifying the occasion of such meeting; and in such case, they shall receive one half of their due proportion, to be ascertained by the persons above named, or such other persons as the parties shall agree upon for that purpose, of the value of the furniture, stock, utensils, and implements, then remaining at such poor house after paying their proportions of the rent, and of the

salaries to the governor and other officers, to the end of the then growing year; and that the guardians of the poor of each parish, township, and place, shall provide suitable and convenient clothing for the poor, to be sent to the said house or houses, from their respective parishes, townships, or places, and charge the expences thereof in their accounts. And we recommend to the justices of the limit where such house is to be situated, *A. B.*, *C. D.*, and *E. F.*, as persons duly qualified for the office of visitor of the said poor-house, and *I. K.*, *L. M.*, and *N. O.*, as persons duly qualified for the office of governor of the said poor-house.

We *A. B.* and *C. D.* the justices of peace mentioned in the within-written agreement, do hereby give our approbation to the parishes and places herein-named being united for the purposes of the act within mentioned.

Witness our hands, this day of

N° V.

Form of entry to be made by the clerk of the peace or town clerk.

BE it remembered, That on the day of *A. B.* deposited in my hands a copy of the agreement made between the churchwardens and overseers of the poor of the parishes or townships of and [*as the case shall be*] in the county, *et cetera*, [*as the case shall be*] of for uniting in hiring, purchasing, or building houses, at or near in the said county, *et cetera*, and providing for the maintenance and employment of a certain description of poor persons belonging to the said parishes, townships, and places, pursuant to the statute made in the twenty-second year of the reign of His Majesty King *George* the Third.

N° VI.

Form of a notice for the meeting.

NOTICE is hereby given, That a publick meeting, to consult the owners or occupiers of lands, tenements, or hereditaments, assessed after the rate of five pounds *per annum*,

about hiring, purchasing, *or* building [*as the case shall be*] a house or houses, and providing for the maintenance and employment of the poor, pursuant to the statute of the twenty-second year of *George* the Third, will be held at the day of at in the forenoon.

N° VII.

Form of appointment of a guardian.

WE *A. B.* and *C. D.* two of His Majesty's justices of the peace for the county of acting for the hundred, *et cetera*, of in the said county, do hereby appoint *E. F.* of to execute the office of guardian of the poor for the parish, *et cetera*, of within the said hundred, *et cetera*, for one year, to be computed from to which he has been recommended at a publick meeting holden the day of pursuant to the directions of the act, passed in the twenty-second year of the reign of His Majesty King *George* the Third, *for the better relief and employment of the poor.*

Given under our hands, this day of

[*The like form for visitor, only varying the description of the office, and when appointed for united parishes*, et cetera, *name them.*]

[*The like form for appointing a governor and treasurer, only varying that of a treasurer, by adding*, to which he has been recommended by the guardians.]

N° VIII.

Form of a draft by the guardian on the churchwarden or overseer appointed to collect the poor's rates.

To *A. B.* Collector of the Poor's Rates of the Parish [*or* township] of [*as the case shall be.*]

YOU are hereby authorized and directed to pay to *C. D.* the sum of for [*here describe the occasion of the payment, whether for* house rent, clothing, *or for weekly* relief of poor persons, *et cetera, et cetera, as the case shall be,*]

 and

and take his receipt for the same, which will be your discharge for such payment. Dated this day of

E. F.
Guardian of the poor for the parish [*or* township] aforesaid.

N° IX.

Form of appointment of a deputy visitor.

I *A. B.* visitor of the poor and poor-house for the parish, township, *et cetera*, of [*or* for the united parishes, townships, *et cetera*, of and] in the county of do hereby nominate and appoint *C. D.* to be my deputy visitor and assistant, during my will and pleasure, pursuant to the power given to me by an act, passed in the twenty-second year of the reign of His Majesty King *George* the Third, (intituled, *An act for the better relief and employment of the poor*,) and authorize him to discharge the duty required of him by the said act.

Witness my hand, this day of

N° X.

Form of certificate of serving the office of visitor.

I, *A. B.* one of His Majesty's justices of the peace for the county, *et cetera*, [*as the case shall be*] of do hereby certify, That *C. D.* of in the said county, hath been appointed to, and is now serving, the office of visitor of the poor for the parish or township of [*or* for the parishes and townships of] in the said county [*as the case shall be*] pursuant to the direction of the act passed in twenty-second year of the reign of His Majesty King *George* the Third. Dated this day of

N° XI.

Form of security for money borrowed.

BY virtue of an act made in the twenty-second year of the reign of His Majesty King *George* the Third, (intituled, *An act for the better relief and employment of the poor*,) we *A. B.* visitor, and *C. D.* guardian of the poor for the parish [*or* township, *as the case shall be*] of *E.* in the county, city *et cetera*, of in consideration of the sum of

to us in hand paid by for the purpose of purchasing, building, erecting, repairing, fitting up, *or* furnishing, *et cetera*, [*as the case shall be*] a convenient house, buildings, and offices, for the reception, accommodation, and employment of the poor of the said parish or township, and for providing suitable stock and utensils for that purpose, do hereby charge the poor's rates to be hereafter made, and the several sums of money to be raised thereupon, within the said parish [*or* township, *as the case shall be*] with the payment of the said principal sum, and interest after the rate of *per centum per annum*, half-yearly, as the same shall become due.

N° XII.

Form of order for admission of paupers.

To the governor of the poor-house at *E.*

YOU are hereby ordered and required to receive *A. B.* [*describe his or her age, and whether married or single*] a poor person belonging to the parish [*or* township, *as the case shall be*] of in the county of *D.* into the poor-house at *E.*, and to accommodate and provide for such person in a proper manner, according to the rules and establishment of the said house.

Given under my hand, this day of

H. B.

Visitor, [*or* guardian, *as the case shall be.*]

N° XIII.

Form of the Justice's direction to excuse the badge.

I *A. B.* a justice of peace for the county [riding, division, *et cetera*, *as the case shall be*] of having received proof upon oath before me, that *C. D.* a poor person receiving weekly relief from the parish, [township, *et cetera*, *as the case shall be*] of in the county, *et cetera*, of is a person of very decent and orderly behaviour, do hereby direct the guardian [*or* overseer, *if no guardian*] of the poor for the said parish, *et cetera*, to omit putting the badge upon the coat [*or* gown, *if a female*] of the said *C. D.*

and to excuse his [*or* her] wearing the same, as long as he [*or* she] shall continue to behave orderly and decently.

Dated this day of

N° XIV.

Form of the transfer of the security for the money advanced.

I DO transfer this security, with all my right and title to the principal money hereby secured, and to all the interest now due, or hereafter to be due, unto *C. D.* his executors, administrators, and assigns. Dated this day of

A. B.

Witness, *E. F.*

N° XV.

Mode of adjusting the first account mentioned in the act, respecting utensils, materials, furniture, rent, et cetera.

LET it be supposed that the parishes or townships of *A.*, *B.*, *C.*, and *D.* have agreed to be united under the authority of the act; and that *E.* and *F.* are the persons named in the agreement as arbitrators, or referees, to settle and adjust the proportions which each parish or place is to pay.

It will be necessary for *E.* and *F.* at their first meeting, to call upon the officers of every such parish, township, or place, for their assessments and accounts, in order to see what they have paid to their poor, on a medium of three years preceding the agreement; who are required by the act to produce them under a penalty for refusal.

When the arbitrators have got these materials, it will be necessary to separate and deduct every matter which does not relate to the poor; for instance, money paid to the county rates, or for the expences of the constable, headborough, or militia, which are all now included in the poor's rates; and, as some of these parishes may have had expences occasioned by litigation about settlements and removals, and others may not, they should exclude all such expences in the account.

When the accounts have been so inspected and examined, and the proper deductions made, they may be supposed to appear:

That

	£	s.	d.
That *A.* has paid for the first of the three years —	65	7	6
for the second year —	87	2	—
for the third year —	105	—	—
Making together	257	9	6
A third part of which sum (being *A.*'s medium), will be — — — —	85	16	6
Let *B.*'s payments be calculated in the same manner, which may be supposed to amount, on the medium of three years, to — — —	110	—	—
C.'s Do. to — — — — —	97	—	—
D.'s Do. to — — — — —	140	—	—
The total amount of the annual payments will be	432	16	6

Suppose the month's expences paid by the several parishes under the above heads, according to the directions of the act, should amount to £300, the question will be if £432 16 6, (the total medium of all the parishes), require £300, what will £85 16 6 require? When that shall be worked by the rule of three, multiplying the third number by the second, and dividing it when so multiplied by the first, the answer will be,

That *A.*'s proportion amounts to — —	59	9	5
B.'s proportion, when worked in the same manner, will be — — — —	76	5	—
C.'s Do. — — — — —	67	4	7
D.'s Do. — — — — —	97	1	—
Making together the whole sum expended	300	—	—

When those medium sums shall be settled and proportioned at their first meeting, there will be no occasion to repeat that trouble afterwards, as the first sum will be the same on all future calculations; and to prevent trouble in adjusting the proportions at every monthly medium, at every poor house, soon after the first medium proportions shall be so ascertained, there shall be a table fixed, calculating the proportions of each parish, township, or place, to any given sum, from the smallest to the greatest, that is likely to be expended in that district within the month; which will make

every account clear and easy to the meanest understanding, and will be liquidated in an instant.

N° XVI.

Mode of adjusting the second account mentioned in the act, respecting the victuals, beer, firing, and other necessaries.

AS soon as the agreement is made for uniting several parishes, &c. the guardians shall meet and consider what will be a proper weekly sum to be paid into the hands of the treasurer for every person admitted into the poor-house, estimating it as near as they can to the probable expence of maintaining them; the guardians should pay to the treasurer, at every monthly meeting, what shall be due for every such person, upon that calculation, for the time he has been kept there in the month preceding; and in order to avoid fractions, if any person shall have been there four days or more, in any of the weeks, it should be considered as a full week, and if less than four days, no charge should be made for it: That in order to avoid difficulties in adjusting the account, a table should be provided, in like manner as before, and fixed up in the house, with proper columns for the number of persons, the number of weeks, and the total amount, according to the weekly sum so agreed upon; by which that account will likewise be settled without the least trouble or difficulty.

The several monthly sums paid by each parish on this second account, and also the gross sums, should be entered in the treasurer's books; and at the end of the year it should be computed whether the payments by the several parishes have amounted to more, or less, than the sum expended; if to more the guardian of each parish should receive, if to less, he should pay his proportion thereof to the treasurer, to be computed according to the first account, as directed by the act.

Rules,

Rules, Orders, Bye-laws, and Regulations, to be observed and enforced at every Poor House to be provided and established under the authority of the act of the twenty-second year of King *George* the Third.

First. THAT the several persons who shall be sent to any such poor-house, who are capable of doing any work, shall be employed by the governor in some labour which may be best suited to their strength and capacity.

Second. That the governor shall take particular care to keep the said house, and the several apartments therein, and also the several persons who shall inhabit the same, clean and wholesome; and for that purpose he shall employ such of the said poor persons who shall be sent thither, whom he shall think most able and best qualified for the offices, to assist him therein, and also in the providing and dressing victuals for the use of such poor persons; and if any such poor person shall refuse or neglect to perform the work or labour in which he or she shall be so employed, or shall be directed to do by the governor, every such person shall be punished by confinement, or alteration of diet, in such manner as the governor shall direct; and for a second offence of the like sort, complaint thereof shall be made to some justice of the peace for the limit, who, on conviction, shall commit such person to the house of correction for any time not exceeding two calendar months, nor less than one calendar month.

Third. That the apartments in the house or houses to be provided as aforesaid, shall be adapted so as to accommodate the poor who shall be sent thither in the best manner they are capable.—That the governor shall place in the best apartments such poor persons who, having been creditable housekeepers, are reduced by misfortune, in preference to those who are become poor by vice and idleness; and that separate apartments shall be provided for the reception of the sick and distempered poor, and an apothecary or surgeon to be sent for to attend them when there shall appear necessity for it, at the expence of the parish or place to which such poor persons belong.

Fourth. That such poor persons who are able to work, shall be called up by ring of bell, and set to work by six in the

the morning from *Lady-day* to *Michaelmas*, and by eight from *Michaelmas* to *Lady-day;* and continue until four in the afternoon from *Michaelmas* to *Lady-day*, and from *Lady-day* to *Michaelmas* till six in the afternoon (meal times and times for reasonable recreation excepted); and if any such poor person shall refuse or neglect to do such work as shall be allotted him or her, or wilfully spoil the same, or depart from such house without leave from the governor, or shall be guilty of any disorder or disobedience to these rules and orders, the governor shall reprove such person for the same, and punish him or her by confinement or alteration of diet, as the said governor shall think fit; and if such person shall be guilty of the like offence a second time, the governor shall complain thereof to the visitor of such house, who is hereby authorized to order the punishment of confinement to be increased to such degree as he shall think fit.

Fifth. That the governor shall enter in a book to be kept by him, an account of the household goods, linen, furniture, and utensils, provided for the said house; and also an account of the materials bought for manufacture, and of the goods manufactured there; which shall be laid before the guardians at their monthly meeting, and before the visitor whenever he comes to such house.

Sixth. That the governor shall visit the several persons maintained in such house or houses, and their apartments, once at least in every day; and shall take care that there is no waste of fire, candles, or provisions; and shall see that the fires and candles are put out at the hours fixed for such persons going to bed, which shall be at eight of the clock between *Michaelmas* and *Lady-day*, and nine between *Lady-day* and *Michaelmas*.

Seventh. That when any person shall die in the house, the governor shall take care that the body of such person be immediately removed into some separate apartment, and be decently buried, as soon as conveniently may be; and also take care of the clothes and goods of such person, and deliver them to the guardian of the poor of the parish or place to which such person did belong, who is to pay the charges of the funeral of such poor person.

Eighth. That no poor person be permitted to go out of the poor-house, nor any person permitted to come into such house or houses, except the persons maintained and employed

ployed there, without the permission of the governor; and that no spirituous liquors be permitted to be drank in such house or houses; and that no other liquors shall be brought thither, without the permission of the said governor.

Ninth. That the rules, orders, and bye-laws shall be publicly read by the governor to all the poor persons kept in such house or houses, once at least in every month.

Tenth. That all the poor persons able to go to church, shall attend divine service every *Sunday*.

Eleventh. That the governor shall dismiss from the poor-house or workhouse, every person who shall, in the opinion of the guardian or guardians, be thought improper to continue longer there, and upon an order from him or them for that purpose.

[28 Geo. III. Cap. 49.]

An Act to enable Justices of the Peace to act as such, in certain Cases, out of the Limits of the Counties in which they actually are.

"WHEREAS the administration of justice is frequently obstructed for want of resident justices of the peace, and might be much furthered in case the justices acting for two or more adjoining counties are enabled to act for the same, if personally present in either of those in which they act;" For remedy whereof, in future, may it please Your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, it shall and may be lawful for any justice or justices of the peace, acting as such for any two or more counties being adjoining counties, to act as a justice or justices of the peace in all matters and things whatsoever, concerning or in any-wise relating to any or either of the said counties; and that all act or acts of such justice or justices of the peace, and the act and acts of any constable or other officer in obedience thereto, shall be as valid, good, and effectual in

Justices may act for two adjoining counties,

in the law, to all intents and purposes whatsoever, as if such act or acts of the said justice or justices, had been done in the county or counties to which such act or acts more particularly relate; and all constables and other officers of the said county or counties to which such act or acts relate, are hereby authorized and required to obey the warrants, orders, directions, act and acts of such justice or justices so granted, given, and done, and to do and perform their several offices and duties, under the pains and penalties to which any constable or other officer may be liable for a neglect of duty: Provided always, that such justice or justices be personally resident in one of the said counties at the time of doing such act or acts: Provided also, that the warrants, orders, or directions, so to be given and granted, be directed and given in the first instance to the constable or other officer of the county to which the same more particularly relate.

If they reside in either, at the time of acting.

Constables, &c. may carry offenders before justices acting for the county, and resident in the adjacent counties, &c.

II. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, it shall and may be lawful for any constable, tythingman, headborough, or other peace officer, or any other person or persons apprehending or taking into custody any person or persons offending against law, and whom they lawfully may and ought to apprehend and take into custody by virtue of his or their office or offices, or otherwise howsoever, to convey and take the person or persons so apprehended or taken into custody as aforesaid, to any justice or justices of the peace acting for the said county, and resident in such adjoining county, as aforesaid; and the said constables, tythingmen, headboroughs, and other peace officers, and all and every other person or persons, are hereby authorized, empowered, and required, in all such cases, so to act in all things as if the said justice or justices of the peace was or were resident within the said county to which they respectively belong; and all and every person or persons obstructing or hindering the said constables, tythingmen, headboroughs, or other peace officers, in the execution of their respective offices, in the said county or counties adjoining as aforesaid, shall be, and are hereby made liable to the same pains and penalties, for such obstruction and hindrance of the said officers in the execution of their respective offices, as if the same had been committed in the county for which the said constables, tythingmen, headboroughs, or other peace officers, were appointed to act.

III. And

III. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, it shall and may be lawful for any sheriff, or other person or persons deputed by him, or acting under his authority, constable, headborough, tythingman, or other peace officer, or any other person or persons lawfully taking into, or having in his or their custody respectively, any person or persons offending against law, and whom he or they may or might lawfully convey to gaol, or any place of safe custody, to convey or take the said person or persons so in custody as aforesaid, into and through any part or parts of the said county or counties so adjoining in their way to such gaol or place of safe custody within the county wherein such offence was done or committed; and all and every person or persons escaping from such custody as aforesaid, or aiding or assisting such escape or escapes, or rescuing such person or persons so in custody as aforesaid, shall be subject to the like pains and penalties for such escape or escapes, and for such aid and assistance so given as aforesaid, and for such rescue and rescues, as if the said escape or escapes had happened, or such aid and assistance had been given, or such rescue or rescues made, in the county wherein such offence was done or committed.

Sheriffs, &c. may convey offenders through adjoining counties, to the gaol of the county where the offence was committed.

" IV. And whereas by an act passed in the ninth year of the reign of King *George* the First, intituled, *An act for amending the laws relating to the settlement, employment, and relief of the poor*, provision is made for enabling justices of the peace, dwelling in any city, or other precinct, being a county of itself, situate within a county at large, to act as such justices for the county at large, at certain places within such city, town, or other precinct: And whereas such provisions have been found beneficial to the publick; but doubts have arisen with respect to the construction of the said act in certain cases;" For the removing whereof, be it enacted, That, from and after the passing of this act, it shall and may be lawful for any justice or justices of the peace, acting for any county at large, to act as such at any place within any city, town, or other precinct, being a county of itself, and situate within, surrounded by or adjoining to any such county at large; and that all and every such act and acts, matters and things, done by such justice or justices of the peace for the said county at large, within such city, town, or other precinct, shall be as valid and effectual in the law, as if the same had been done within

9 Geo. I. Cap. 7.

Justices for counties at large may act as such within any city being a county of itself, situate therein, or adjoining to such county;

within the said county at large, to all intents and purposes whatsoever: Provided always, that nothing in this act contained shall extend to give power to the justices of the peace for any county at large, not being justices for such city, town, or other precinct, or any constable or other officer acting under them, to act or intermeddle in any matters or things arising within any such city, town, or precinct in any manner whatsoever.

but are not to act in matters arising within such city, if they are not also justices for the same.

[30 Geo. III. Cap. 49.]

An Act to impower Justices, and other Persons, to visit Parish Workhouses or Poorhouses, and examine and certify the State and Condition of the Poor therein to the Quarter Sessions.

"WHEREAS the laws now in being for the regulating parish workhouses or poorhouses have been found in certain instances deficient and ineffectual, especially when the poor in such houses are afflicted with contagious or infectious diseases, in which cases particular attention to their lodging, diet, clothing, bedding and medicines, is requisite;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-ninth day of *September*, one thousand seven hundred and ninety, it shall and may be lawful to and for any of His Majesty's justices of the peace, or any physician, surgeon, or apothecary, for that purpose authorized by warrant under the hand and seal of any such justice or justices, or for the officiating clergyman of the parish or place, duly authorized as aforesaid, at all times, in the day time, to visit any parish workhouse, or house kept or provided for the maintenance of the poor of any parish or place, within the county, riding, liberty, or division, wherein such justice or justices shall be resident and shall have jurisdiction, to examine into the state and condition of the poor people therein, and the food, clothing, and bedding of such poor people, and the state and condition of

From Sept. 29, 1790, justices, &c. may visit workhouses, and certify the state of the poor to the next quarter sessions, &c.

of such house or houses; and if upon any such visitation the said justice or justices, or persons duly authorized as aforesaid, shall find any cause or occasion of complaint, that then and in such case such justice or justices, or persons duly authorized as aforesaid, shall, and they are hereby authorized and empowered, if he or they shall think fit, to certify the state and condition of such workhouse or poorhouse, and the state of the poor therein, and of their food, clothing, and bedding, to the next quarter sessions of the peace to be held for such county, riding, liberty, or division, wherein such workhouse or poorhouse shall be situate, under his or their hands and seals respectively; and such justice or justices, or other persons duly authorized as aforesaid, shall cause the overseers of the poor, or master or governor of the said workhouse or poorhouse of such parish or place, to be summoned to appear at the same sessions, to answer such complaint; and the justices assembled at such quarter sessions, on hearing the parties on any such complaint, shall and may, and they are hereby authorized to make such orders and regulations, for the removing of any cause of complaint contained in such certificate as aforesaid, as to them shall seem meet; and all the parties concerned shall, and they are hereby required to abide by and perform such orders and regulations as shall be so made by the justices at the said sessions.

Justices at the quarter sessions to remove causes of complaint.

II. Provided always, and be it further enacted by the authority aforesaid, That in case any justice or justices of the peace, or persons duly authorized by warrant as aforesaid, shall, upon any such visitation, find any of the poor in any parish workhouse or poorhouse afflicted with any contagious or infectious disease, or in want of immediate medical or other assistance, or of sufficient and proper food, or requiring separation or removal from the other poor in the said house, then and in such case or cases, if such visitation shall be made by a justice of the peace, it shall and may be lawful to and for such justice, and he is hereby directed and required to apply to one or more other justice or justices of the peace in the county, riding, liberty, or division, and certify to him or them the state and condition of the poor in such parish workhouse or poorhouse; or if such visitation shall be made by the persons duly authorized as aforesaid, then, and in such case or cases it shall and may be lawful to and for such persons, and they are hereby directed and required to apply to two or more

If in such visitation any of the poor should be found afflicted with contagious diseases, &c. application to be made to the justices of the division, who are to give order for immediate relief, &c.

more justices of the peace in such county, riding, liberty, or division; and thereupon the said justices shall and may and they are hereby authorized to make such order for the immediate procuring medical or other assistance, or of sufficient and proper food, or for the separation or removal of such poor as shall be afflicted with any contagious or infectious disease, in such manner as they the said justices, under their hands and seals, shall think proper to direct, until the next quarter sessions of the peace to be held in and for the said county, riding, liberty, or division, wherein such workhouse or poorhouse shall be situate; at which quarter sessions of the peace the said two justices are to certify the same, under their hands and seals respectively, to the justices assembled at such quarter sessions, who are hereby authorized and required to make such order for the further relief of the poor in such parish workhouse or poorhouse, as to the justices assembled at such quarter sessions shall seem meet and proper; and the charges and expences of relieving such poor shall be, and is hereby directed to be paid out of the poor's rate of such parish, in such manner as the said justices assembled at such quarter sessions shall direct.

Expences of relief to be paid out of the poor's rate.

III. Provided always, That nothing herein contained shall extend, or be construed to extend, to any poorhouse or workhouse in any district or districts which have been, or may be hereafter incorporated or regulated by any special act or acts of parliament.

Not to extend to workhouses regulated by act of parliament.

[32 Geo. III. Cap. 45.]

An Act to explain and amend an Act, made in the Seventeenth Year of the Reign of His late Majesty King George *the Second, intituled,* An Act to amend and make more effectual the laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction.

"WHEREAS great abuses are committed in conveying, from one place to another by passes, persons who are not rogues or vagabonds, or in conveying such persons who are rogues

rogues and vagabonds without complying with the directions of the act passed in the seventeenth year of the reign of His late Majesty King *George* the Second, intituled, *An act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction;* which said act directs that such persons only shall be conveyed by a pass, under the hand and seal of a justice of peace who shall have been first publickly whipt or confined in the house of correction: And whereas the said act in other respects requires to be amended;" May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, when any justice of the peace shall order to be conveyed by a pass, under his hand and seal, any rogue or vagabond, according to the provisions of the said act such rogue or vagabond shall be either publickly whipt, or be sent to the house of correction, there to remain until the next general or quarter sessions, or for any such less time as such justice of the peace shall think proper; provided that such less time shall be at the least for the space of seven days, and that such justice of the peace shall certify, in the pass by which such person shall be ordered to be conveyed, that such person has been actually publickly whipt, or confined in the house of correction for at least the space of seven days: provided also, that no person shall be so whipt or imprisoned, and conveyed by a pass as a rogue or vagabond, who shall not have committed an act of vagrancy within the true intent and meaning of the said act, and who shall not have been convicted thereof.

17 Geo. II. Cap. 5. recited.

Rogues or vagabonds ordered to be conveyed by passes, agreeable to the recited act, to be publickly whipt, or confined in a house of correction, &c.

II. And be it further enacted by the authority aforesaid, That no justice of the peace shall order any reward to be paid to any constable or other person, for apprehending any rogue or vagabond, until such rogue or vagabond shall have been punished as hereby directed, and until the examination required by the aforesaid act be actually transmitted to the next general or quarter sessions, there to be filed and kept on record.

No reward to be paid for apprehending rogues or vagabond, until they shall have been punished, &c.

III. And be it further enacted by the authority aforesaid, That whenever any female shall be guilty of any offence, for which she shall be convicted as a rogue and a vagabond, or

No female vagabond to be whipt.

incorrigible rogue, before any justice of the peace, or the court of general or quarter sessions, in no case whatever, such justice, or court of general or quarter sessions, shall inflict the punishment of whipping upon such female rogue and vagabond, or incorrigible rogue; any law or statute to the contrary in any wise notwithstanding.

Convicts discharged from prison, and persons acquitted at assizes, may be conveyed by passes, &c.

IV. And be it further enacted by the authority aforesaid, That any of His Majesty's judges at the assizes, and the justices at the general or quarter sessions, or any justice of the peace, is and are hereby impowered to order, whenever he or they shall think proper, any convict, upon his discharge from prison, to be conveyed by pass under hand and seal, in manner and form directed by the aforesaid act, and according to the provisions therein contained; and the judge, justices, or justice aforesaid, is or are also empowered to convey by pass any person who shall be acquitted at the assizes, or general or quarter sessions, or discharged by proclamation or otherwise, who shall of himself or herself, or by any other person in his or her behalf, apply to the court whereat he or she has been acquitted or discharged, or to any justice of the peace, to be conveyed as aforesaid; and the judge, justices, or justice, aforesaid, shall certify in such pass that the person so conveyed was discharged from prison, or a person acquitted, or otherwise discharged, at the assizes or sessions, as the case may be; and such convict, or person acquitted or discharged, shall pay no fee whatever for such pass.

Justices may order vagrants to be conveyed by masters of houses of correction, &c.

" V. And whereas the present mode of conveying vagrants in the custody of a constable is frequently insufficient, from the misconduct and negligence of constables," Be it therefore enacted by the authority aforesaid, That the justices of the peace, at the general or quarter sessions held for any county, riding, city, borough, town corporate, division, or liberty, or any adjournment thereof, shall be empowered to make an order that all rogues and vagabonds apprehended in their respective counties, ridings, cities, boroughs, towns corporate, divisions or liberties, and who are ordered to be conveyed by pass, shall be conveyed by the master of the house of correction, or his servants, or by a constable, as such justices at the general or quarter sessions, or any adjournment thereof, shall think proper; and such justices shall also be empowered to make an order, if they think proper, that all constables to whom rogues or vagabonds brought from another

another county, riding, city, borough, town corporate, division, or liberty, are delivered, shall forthwith convey such rogues and vagabonds to the nearest house of correction in their county, riding, city, borough, town corporate, division, or liberty, to be afterwards forwarded by the master of the house of correction, or his servants, as aforesaid, and according to the provisions of the said recited act.

Justices at sessions to direct what rates shall be allowed for passing, &c. rogues, &c.

VI. And be it further enacted by the authority aforesaid, That the justices of the peace of any county, riding, city, borough, town corporate, division, or liberty, shall and may, at the general or quarter sessions of the peace, from time to time, limit, appoint, and direct what rates and allowances *per* mile, or otherwise, shall be made for the passing, conveying, or maintaining of rogues, vagabonds, or incorrigible rogues, to be passed or conveyed as aforesaid, and may likewise make such other orders, rules, and directions, for the more regular proceeding or acting therein, within their respective limits and jurisdictions, as they in their discretion shall think proper; which rates, allowances, orders, rules, and directions, shall from time to time be observed and submitted to by all justices of the peace, constables, officers, and other persons within the said limits and jurisdictions respectively.

Soldiers and mariners wandering and begging to be deemed vagabonds.

" VII. And whereas soldiers travelling from one place to another, having a certificate from their officers, or the secretary at war, are permitted to beg, and that mariners or seafaring men discharged are licensed to beg, by some testimonial or writing under the hand and seal of a justice of the peace: And whereas such permission to beg is highly improper:" Be it therefore enacted by the authority aforesaid, That every soldier and mariner wandering abroad and begging, shall be deemed a rogue and vagabond, within the meaning of the said act.

Persons neglecting to provide for their families, to be deemed idle and disorderly.

" VIII. And whereas several persons, by their wilful default and neglect, permit their wives and children to become chargeable to their respective parishes and townships;" Be it therefore enacted, That if it shall be made appear to any two justices of the peace, that any poor person shall not use proper means to get employment, or, if he is able to work, by his neglect of work, or by spending his money in alehouses or places of bad repute, or in any other improper manner, shall not apply a proper proportion of the money earned by him

towards the maintenance of his wife and family, by which wilful default or neglect they, or any of them, shall become chargeable to their parish or township, he shall be considered as an idle and disorderly person, and be subject to such punishment, and in such manner, as is directed for idle and disorderly persons by the aforesaid act.

[32 Geo. III. Cap. 57.]

An Act for the further Regulation of Parish Apprentices.

"WHEREAS by an act, passed in the forty-third year of the reign of Queen *Elizabeth*, intituled, *An Act for the relief of the poor*, it is (amongst other things) enacted, That it shall be lawful for the churchwardens and overseers of the poor of any parish, or the greater part of them, by the assent of two justices of the peace, to bind any children, whose parents they shall judge to be not able to keep and maintain such children, to be apprentices, where they shall see convevient, till such man-child should come to the age of twenty-four years, and such woman-child to the age of twenty-one years, or the time of her marriage, the same to be as effectual to all purposes, as if such child were of full age, and by indenture of covenant bound him or herself: And whereas by an act, made in the eighth and ninth years of the reign of King *William*, intituled, *An act for supplying some defects in the laws for the relief of the poor of this kingdom;* after reciting, that, there being doubts whether the persons to whom such children were to be bound, under and by virtue of the said statute of the forty-third year of the reign of Queen *Elizabeth*, were compellable to receive such children as apprentices, that law had failed of its execution, it was therefore enacted, That where any poor children should be appointed to be bound apprentices, pursuant to the said act of Queen *Elizabeth*, the persons to whom they are so appointed to be bound apprentices, shall receive and provide for them according to the indenture signed and confirmed by the two justices of the peace, and also execute the other

43 Eliz. c. 2.

8 & 9 W.III. c. 30. and

part of the said indentures, under the penalty, in case of refusal, of the forfeiture of ten pounds for every such offence, to be levied of the goods of the offender, in the manner mentioned in the said act: And whereas by an act passed in the eighteenth year of the reign of His present Majesty, intituled, *An act to amend such part of an act, made in the forty-third year of the reign of Queen* Elizabeth, *intituled,* An act for the relief of the poor, *as relates to the binding of parish apprentices,* it was enacted, That when any man-child should be bound to be an apprentice, by virtue of the said act made in the forty-third year of the reign of Queen *Elizabeth*, such child shall be bound to be an apprentice for no longer term than till he shall come to the age of twenty-one years: And whereas in such indentures of apprenticeship, it hath been usual to insert several agreements and covenants to be done and performed by the several parties thereto; (that is to say), an agreement on the part of the apprentice that he will faithfully serve his master during the term of such apprenticeship; and also several covenants on the part of the master, for himself, his executors and administrators, that he the said master will teach or cause to be taught such apprentice in the business of husbandry, or in the craft, mystery, or occupation which such master then useth, as the case may be; and that such master shall also, during the term of such apprenticeship, find and allow unto such apprentice sufficient meat, drink, apparel, lodging, and all other things needful for an apprentice, during such term: And whereas, in the event of the death of the master during the term of such apprenticeship, the agreement for service on the part of the apprentice is at an end, but the covenant for maintenance on the part of the master still continues in force, as far as the master's assets will extend, or doubts have arisen with respect thereto, and in consequence thereof, such apprentices do frequently on the death of their master leave their master's house, and, after living in idleness, return again and become a burden on their master's effects, and so from time to time as they think proper, which is attended with great inconvenience and hardship to the family and personal representatives of such master, and is at the same time an inducement to such apprentice to continue in a disorderly and idle course of life: And whereas the several powers given to justices of the peace for the better ordering of parish apprentices, by the several acts of parliament made for that purpose, do cease

18 Geo. III. c. 47. recited.

and determine on the death of the master, for which a remedy ought to be provided: And whereas several other regulations are necessary to be made respecting parish apprentices:" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *July* one thousand seven hundred and ninety-two, in case of the death of any master or mistress of any parish apprentice, during the term of such apprenticeship, upon the binding out of which apprentice no larger sum than five pounds has been or shall be paid, such covenant as is before mentioned for the maintenance of such apprentice, inserted in the indenture of apprenticeship by which such apprentice shall have been or shall be bound, shall not continue and be in force for and during any longer time than for three calendar months next after the death of such master or mistress, and that during such three calendar months such apprentice shall continue to live with and serve as an apprentice, the executors and administrators of such master or mistress, some or one of them, or such person or persons as such executors or administrators, some or one of them, shall appoint; and the master or mistress whom such apprentice shall accordingly serve, during the said three calendar months, and also such apprentice shall during that time be subject and liable to all the laws which are or shall be in force for the better government and regulation of masters and parish apprentices: And that in all such parish indentures of apprenticeship as aforesaid, which shall be made from and after the first day of *July* one thousand seven hundred and ninety-two, there shall be annexed to the covenants in such indentures to be entered into on the part of the master or mistress of such apprentice, for such maintenance as aforesaid, a proviso declaring, that such covenant shall not be made to continue and be in force for any longer time than for three calendar months next after the death of such master or mistress, in case such master or mistress shall die during the term of such apprenticeship; which proviso may be in the form or to the effect mentioned in the schedule hereunto annexed, and marked with the

From July 1, 1792, covenants for maintenance of parish apprentices with whom no more than 5*l.* shall be given, to continue in force no longer than three months after the death of the master, &c.

Proviso to that effect to be annexed to covenant, but if omitted, the covenant to continue no longer in force.

the letter *A.* and in case such proviso shall happen to be omitted in any such indenture, the covenant therein contained on the part of the master, for the maintenance of the apprentice, shall be deemed and taken to continue and be in force for no longer time than for three calendar months next after the death of such master or mistress, in case such master or mistress shall die during the term of such apprenticeship; any thing in any such covenant to the contrary notwithstanding.

"II. And whereas it is just and reasonable, that such apprentice as aforesaid, in case of his master's death during his apprenticeship, should be obliged, during the term of his apprenticeship, to make some satisfaction by his labour to the family or representatives of his deceased master, for the advantages he has received from his apprenticeship in his childhood, when his services could not be equal to the expences of his maintenance;" Be it enacted, That within such three calendar months after the death of such master or mistress, it shall and may be lawful for any two justices of the peace of the county, city, town, riding, division, or place where such master or mistress shall have died, on application made to them by the widow of such master, or by the husband of such mistress, or by any son or daughter, brother or sister, or by any executor or executrix, administrator or administratrix, of such master or mistress, by indorsement on any such indenture of apprenticeship, or the counterpart thereof, or by any other instrument in writing (which indorsement or instrument may be in the forms or to the effect mentioned in the schedule hereunto annexed marked with the letters *B.* and *C.*) to order and direct that such apprentice shall serve as an apprentice any one of such persons so making such application as aforesaid (such person having lived with, and having been part of the family of, such master or mistress at the time of his or her death), as the said justices shall in their discretion think fit, for and during the residue of the term mentioned in such indenture of apprenticeship; and the person obtaining such order shall declare his acceptance of such apprentice, by subscribing his or her name to such order; and that, from and after such order shall be made, the executors and administrators, and the personal assets, estate, and effects, of the master or mistress so dying as aforesaid, shall be released

Within three months after the death of a master, two justices may order apprentices to serve the residue of their terms with persons of the description herein specified, on application.

leased and discharged of and from any promise or covenant whatsoever, contained in any such indenture of apprenticeship, on the part of such master or mistress, his or her executors or administrators, to be done and performed; and the person obtaining the same shall be and be deemed and taken to be, the master or mistress of such apprentice, in like manner as if such apprentice had been originally bound to such master or mistress; and that such last mentioned master or mistress, his or her executors and administrators, each and every of them, shall be held and bound by the several promises and covenants contained in any such indenture of apprenticeship on the part of the master or mistress therein named, his or her executors or administrators, to be done and performed, in like manner as if such master or mistress obtaining such order as aforesaid had duly executed the counterpart of such indenture; and that such master or mistress and apprentice shall be subject and liable to the several penalties, provisions, and regulations which shall then be in force for the better government and good order of masters and parish apprentices; and that all justices of the peace shall have the like powers and authority, with respect thereto, as they shall then have by any act or acts of parliament relating to parish apprentices.

Provisions to take place on the death of the original master to extend to subsequent ones.

III. And be it further enacted, that all and singular the regulations and provisions hereinbefore made, and directed to take place on the death of the original master or mistress, shall be deemed and taken to relate to the like event of the death of any such subsequent master or mistress, and to their several relations and representatives before enumerated, from time to time, as often as the case shall happen, during the continuance of the term mentioned in any such indenture of apprenticeship.

If no application be made, or the justices should not think fit that the apprenticeship should be continued, it shall be at an end.

IV. And be it further enacted, That in case no such application shall be made as aforesaid within three calendar months next after the death of such master or mistress, or in case such two justices, to whom any such application as aforesaid shall have been made, shall not think fit that such apprenticeship should be continued, then the said apprenticeship shall be determined, and the indenture of apprenticeship and covenants therein contained shall be at an end, in like manner as they would have been at the expiration of the term therein mentioned.

V. Pro-

Act to extend to such parish apprentices only as shall be living with the master.

V. Provided always, and be it enacted, That nothing herein-before contained shall extend, or be construed to extend, to any parish apprentice, but to such only as shall be living with, and shall make part of the family, or shall be in the actual employment, of such original master or mistress, or of any subsequent master or mistress, appointed under and by virtue of the several provisions of this act, at the time of the death of any such master or mistress respectively.

Justices may order the necessary sums for maintenance and clothing of apprentices to be levied by distress.

"VI. And whereas much difficulty and delay must necessarily happen in bringing an action upon the covenant for maintenance before-mentioned contained in any such indenture of parish apprentices;" Be it enacted, That in any case such original master or mistress as aforesaid, or any master or mistress appointed under or by virtue of this act, shall, during the term of any such parish apprenticeship as aforesaid, or if the executors or administrators of such masters or mistresses, any or either of them having assets, shall, during such three calendar months as aforesaid, refuse or neglect to maintain and provide for any such apprentice, according to the terms of such covenant, it shall and may be lawful for any two justices of the peace of the county, city, town, riding, division, or place in which the parish or place shall lie, to which such apprentice shall belong, on complaint of such apprentice, or of the churchwardens and overseers of the poor of such parish or place, by warrant under their hands and seals, to levy, by distress and sale of the personal estate and effects or assets of such master or mistress respectively, such sum or sums of money as shall be necessary for the maintenance and clothing of such apprentice and as shall also be necessary to reimburse to the churchwardens and overseers of the poor of such parish or place, any sum or sums of money that shall have been reasonably expended by them for that purpose.

"VII. And whereas it frequently happens that persons are compellable, under and by virtue of the said act of the ninth and tenth years of King *William*, to take a greater number of parish apprentices than it is convenient for them to maintain or employ in their own families, and they are therefore forced to place out or assign over such apprentices to other persons; and it is proper that such assignment should be legally made, under the inspection and controul of the magistrates, as well for the benefit of the apprentice, as that the original master may

may be discharged from his covenants in respect of such apprentice; and it is fit that the person to whom such assignment shall be made, and also the apprentice, should be made subject to the ordinary jurisdiction of justices of the peace with respect to masters and parish apprentices;" Be it enacted, That it shall and may be lawful for any master or mistress of any such parish apprentice as aforesaid, by indorsement on the indenture of apprenticeship, or by other instrument in writing, by and with the consent of two justices of the peace of the county, city, town, riding, division, or place where such master or mistress shall dwell, testified by such justices under their hands, to assign such apprentice to any person who is willing to take such apprentice for the residue of the term mentioned in such indenture of apprenticeship: Provided always, That such person to whom such apprentice is intended to be assigned, shall at the same time by indorsement on the counterpart of such indenture, or by writing under his or her hand, stating the said indenture of apprenticeship, and the indorsement and consent aforesaid, declare his or her acceptance of such apprentice, and acknowledge himself, herself, his or her executors and administrators, to be bound by the agreements and covenants mentioned in the said indenture, on the part of the master or mistress of such apprentice to be done and performed; which indorsement or instrument may be in the forms or to the effect mentioned in the schedule hereunto annexed, marked with the letters D. and E.; and in such case such apprentice shall be deemed and taken to be the apprentice of such subsequent master or mistress to whom such assignment shall be made, to all intents and purposes whatsoever, and so from time to time, as often as it shall be necessary or convenient for any such subsequent master or mistress to part with any such apprentice; and all justices of the peace shall have the like power and authority, in the several cases last mentioned, with respect as well to the subsequent master or mistress, masters or mistresses, as to the apprentice, as such justices shall then have by any law for the better regulation of parish apprentices.

Masters may assign over apprentices with the consent of two justices, &c.

" VIII. And whereas no express provision has been made for the discharging of any such parish apprentice from a master or mistress who is become insolvent, or is so far reduced in his or her circumstances as to be unable to employ or maintain such

Justices may discharge apprentices whose mas-

apprentice;" Be it enacted, That it shall and may be lawful for two justices of the peace of the county, city, town, riding, division, or place where any such master or mistress shall live, on the application of such master or mistress requesting that any such apprentice may be discharged, for the reasons aforesaid, to enquire into the matter of such allegations, and to discharge any such apprentice from his apprenticeship, in case the said two justices shall find such allegations to be true.

ters cannot employ or maintain them.

IX. Provided always, and be it enacted, That nothing hereinbefore contained shall extend, or be construed to extend, to the indenture made on the binding of any apprentice, by the churchwardens or overseers of the poor of any parish or place, or the major part of them, under and by virtue of the powers given to them by the statute made in the forty-third year of the reign of Queen *Elizabeth*, in the case of any such binding, where a larger sum than five pounds shall be given, but that such bindings shall be subject and liable to the like rules and regulations as they would have been subject and liable to in case this act had not been made.

Not to extend to apprentices with whom more than 5*l.* shall be given.

X. Provided always, and be it enacted, That no indorsement or indorsements on any parish indenture of apprenticeship hereinbefore mentioned, made or executed in pursuance of this act, shall be charged or chargeable with any duty imposed upon stamped vellum, parchment, and paper, but the same shall be, and are hereby declared to be exempted therefrom, and that no other instrument or instruments in writing hereinbefore mentioned, shall be charged or chargeable with any higher duty than with the duty imposed or to be imposed on parish indentures of apprenticeship.

No indorsement on parish indentures to be liable to stamp duty, and no other instruments to be charged higher than the duty on parish indentures.

" XI. And whereas, by an act passed in the twentieth year of the reign of King *George* the Second, intituled, *An act for the better adjusting and more easy recovery of the wages of certain servants, and for the better regulation of such servants, and of certain apprentices*, it is enacted, that it shall and may be lawful to and for any two or more justices, upon any complaint or application by any apprentice put out by the parish, touching or concerning any misusage, refusal of necessary provisions, cruelty, or other ill-treatment, of or towards such apprentice, by his or her master or mistress, and due proof thereof, to discharge such apprentice from his or her apprenticeship: And whereas instances of such ill-treatment frequently

20 Geo. II. c. 19., recited.

frequently occur, and it is fit that the expectation of such discharge should not operate as an inducement to such ill-treatment;" Be it enacted, That in every case where any parish apprentice whatsoever shall be discharged from his apprenticeship by two justices, under and by virtue of the said last mentioned act, it shall and may be lawful for such two justices to order such master or mistress to deliver up to such apprentice his or her clothes and wearing apparel, and also to pay to such churchwardens or overseers of the poor of the parish or place to which such apprentice shall belong, some or one of them, a sum not exceeding ten pounds, to be applied by them, some or one of them, under the order of such justices, for the again placing and binding out such apprentice so discharged as aforesaid, or otherwise, for his or her benefit, as to such justices shall seem meet; and also to pay a sum not exceeding five pounds, in case such master or mistress shall refuse to deliver up such clothes and wearing apparel; and in case such master or mistress shall refuse to pay the sum so ordered by the said justices to be paid as aforesaid, or either of them, or any part thereof, it shall and may be lawful for such two justices, by warrant under their hands and seals, to levy the same by distress and sale of the goods and chattels of such master or mistress, together with the reasonable expences of such distress; and also that it shall and may be lawful for such two justices, if they shall so think fit, to compel such churchwardens and overseers of the poor, some or one of them, to enter into a recognizance for the effectual prosecution by indictment of such master or mistress for such ill-treatment of any such apprentice so discharged as aforesaid, and also to order that the costs and expences of such prosecution shall be paid and discharged, or reimbursed to such person or persons entering into such recognizance as aforesaid, one moiety thereof out of the poor rates of the parish or place to which such apprentice shall belong, and the other moiety thereof out of the common stock of the county in which such parish or place shall lie; and in case the churchwardens and overseers of the poor of such parish or place for the time being shall refuse to pay such their moiety as aforesaid, it shall and may be lawful for such two justices, by warrant under their hands and seals, to levy the same by distress and sale of the goods and chattels of such churchwardens and overseers of the

Justices discharging any apprentice under the last recited act, may order his clothes to be delivered up, and a sum not exceeding 10*l.* to be paid the parish officers for placing him out again, &c.;

and may compel the parish officers to enter into recognizance to prosecute masters for ill-treatment of apprentices, &c.

the poor, any or either of them, together with the reasonable expences of such distress.

" XII. And whereas it is not expedient that such master or mistress should be again entrusted with the care of another parish apprentice;" Be it enacted, That in every case where any parish apprentice shall have been so discharged from any master or mistress as aforesaid under and by virtue of the said last mentioned act, and such master and mistress shall have been convicted of such offence, in consequence of such prosecution by indictment as aforesaid, or shall have been found guilty thereof in any action brought at the suit of the party injured, it shall not be lawful for the churchwardens and overseers of the poor of any parish or place, or the major part of them, to bind any other apprentice upon such person; but that whenever such person ought or would be compellable to take a parish apprentice, it shall and may be lawful for any two justices of the peace of the county, city, town, riding, division, or place where such person shall reside, upon application made to them by the churchwardens and overseers of the poor of such parish or place, to order and direct that such person shall pay into the hands of such churchwardens and overseers of the poor, some or one of them, a sum not exceeding the sum of ten pounds nor less than five pounds, for the purpose of binding out the child (intended to be bound) an apprentice, with the approbation of such two justices; and in case such person should refuse to pay such sum as aforesaid, that then it shall and may be lawful for such two justices, by warrant under their hands and seals, to levy the same by distress and sale of the goods and chattels of such person, together with the reasonable expences of such distress: Provided always, that it shall and may be lawful for such master or mistress as aforesaid, from whom any parish apprentice shall be discharged under and by virtue of the act, made in the twentieth year of the reign of King *George* the Second, to appeal against the order made for such discharge as aforesaid, and also against any such order made for his or her payment of any such sum or sums of money in consequence thereof as aforesaid, or for his or her payment of any sum or sums of money in lieu of a subsequent binding, under and by virtue of the provisions of this act, to the next general quarter sessions of the peace of the county, city, riding, division,

Justices may order any master convicted under the last recited act, when liable to take a parish apprentice, to pay to the parish officers a sum not exceeding 10l. nor less than 5l. for the purpose of binding out the child, &c.

Master may appeal to the quarter sessions.

division, or place where such orders, any or either of them, shall be made, and upon such appeal the said court of general quarter sessions shall finally determine the same, and in their discretion allow to all parties their reasonable costs; and no such distress for enforcing the payment of any such sum or sums of money as are last mentioned, shall be taken until after the general quarter session of the peace to be holden next after any such order as aforesaid shall be made, in case the person who is ordered to pay the same, shall, within seven days after notice given to him or her of such order being made, give notice to such churchwardens and overseers of the poor, some or one of them, of such intended appeal; and in case such person shall fail to appear in support of his appeal at such general quarter session, then the sum of forty shillings shall be added to the expences of the distress before directed to be taken, and levied accordingly.

On notice of such appeal, no distress to be made till after the quarter session.

40s. penalty for failing to support appeal.

"XIII. And whereas by the said last-mentioned act it is also enacted, that it shall and may be lawful to and for two justices, upon application or complaint made upon oath by any master or mistress, against any parish apprentice, touching or concerning any misdemeanor, miscarriage, or ill-behaviour of such apprentice, to hear and determine the same, and punish the offender in such manner as is therein mentioned, or otherwise to discharge such apprentice from his apprenticeship, and it is expedient to prevent the expectation of such discharge being an inducement to such ill-behaviour on the part of the apprentice;" Be it enacted, That in all cases where any parish apprentice shall be discharged by two justices, under and by virtue of the said last mentioned act, from his or her apprenticeship, on account of any misdemeanor, miscarriage, or ill-behaviour on the part of such apprentice, that it shall and may be lawful for such two justices, if they shall think proper, by warrant under their hands and seals, to punish such offender by commitment to the house of correction, there to remain and be corrected, and kept to hard labour, for a reasonable time, not exceeding three calendar months, as to such justices shall seem meet.

Apprentices discharged for ill-behaviour may be sent to the house of correction.

XIV. And be it further enacted, That if any person shall be aggrieved by any matter or thing done, or omitted to be done, by any churchwarden or overseer of the poor, or by any of His Majesty's justices of the peace, or by any other person

Parties aggrieved may appeal to the quarter sessions.

person or persons whomsoever, under and by virtue of this act, besides such matters or things for which an appeal is hereinbefore specially given, it shall and may be lawful for such person or persons to appeal to the next general quarter sessions of the peace, where the same shall be heard and finally determined; and such court may award reasonable costs and expences to either party before them.

SCHEDULE referred to in this act.

A.

Form of proviso to be added to the covenant for maintenance.

PROVIDED always, That the said last mentioned covenant on the part of the said *F. M. (the master)* his executors and administrators, to be done and performed, shall continue and be in force for no longer time than for three calendar months next after the death of the said *F. M.* in case he the said *F. M.* shall happen to die during the continuance of such apprenticeship, according to the provisions of an act passed in the thirty-second year of the reign of King *George* the Third, intituled, *(here set forth the title of the act.*

B.

Form of the order of two justices directing a parish apprentice to continue with the widow (or as the case may be) *of his deceased master, by indorsement on the indenture or counterpart thereof; on which binding no more was paid than the sum for that purpose mentioned in this act.*

County of } WHEREAS *F. M. (the master)* within named, late of the parish of in the said county, died on the day of being within three calendar months now last past, we, two of His Majesty's justices of the peace for the county aforesaid, whose names are hereunto subscribed, on the application and at the

the request of *A. M.* widow *(or as the case may be)* of the said *F. M.* living with and being part of the family of the said *F. M.* at the time of his death, do hereby order and direct, that *A. P.* the apprentice within named, who was in the service and actual employment of the said *F. M.* at the time of his death, shall serve the said *A. M.* as such apprentice, for the residue of the term of such apprenticeship within mentioned, according to the provisions of an act passed in the thirty-second year of the reign of King *George* the Third, intituled, *An act for the further regulation of parish apprentices.* Witness our hands, this day of

I, the above named *A. M.* do hereby declare, That the above order is made at my request, and that I do accept the said *A. B.* as my apprentice, according to the terms and covenants contained in the said indenture, and according to the provisions of the said act. Witness my hand, the day and year above written.

C.

Form of the like order, by a separate instrument.

County of } WHEREAS it appears unto us, two of His } Majesty's justices of the peace for the said county, That *A. P. (the apprentice)* was bound an apprentice, by the churchwardens and overseers of the poor of the parish of to *F. M. (the master)* late of the said parish, and that the said *F. M.* died on day of being within three calendar months now last past: Now we, the said two justices, on the application and at the request, *&c. (then to the end, as before, mutatis mutandis.)*

D.

D.

Form of the assignment of such a parish apprentice, with the consent of two justices, by indorsement on the indenture or counterpart.

County of } BE it remembered, that the within-named *F. M. (the master)* by and with the consent and approbation of *I. P.* and *K. P.* two of His Majesty's justices of the peace for the said county, whose names are subscribed to the consent hereunder written, doth hereby assign *A. P.* the apprentice within named, unto *N. M. (the new master)* to serve him during the residue of the term within mentioned; and that he the said *N. M.* doth hereby agree to accept and take the said *A. P.* as an apprentice for the residue of the said term, and doth hereby acknowledge himself, his executors and administrators, to be bound by the agreements and covenants within mentioned on the part of the said *F. M.* to be done and performed, according to the true intent and meaning thereof, and pursuant to the provisions of an act passed in the thirty-second year of the reign of King *George* the Third, intituled, *An act for the further regulation of parish apprentices.* In witness whereof we, the said *F. M.* and *N. M.* have hereunto set our hands, this day of

We, two of His Majesty's justices of the peace above-mentioned, do consent thereto. Witness our hands, this day of

I. P.
K. P.

E.

Form of the like assignment by a separate instrument.

County of } WHEREAS it appears unto us, *I. P.* and *K. P.* two of His Majesty's justices of the peace for the said county, whose names are subscribed to the consent hereunder written, that *A. P.* was bound an apprentice by the churchwardens and overseers of the poor of the parish of to *F. M.* of the same parish, by

indenture bearing date on or about the day of until the said *A. P.* should attain his age of twenty-one years. Now be it remembered, that the said *F. M.* by and with the consent, *&c. (and so, to the end, as before, mutatis mutandis.)*

[33 Geo. III. Cap. 54. Sect. 24. 26.]

An Act for the Encouragement and Relief of Friendly Societies. [21*st* June 1793.]

No apprentice or servant to any person residing in any parish under this act shall on that account acquire a settlement.

XXIV. AND be it further enacted by the authority aforesaid, That no person who shall be an apprentice, bound by indenture to, or shall be a hired servant to or with any person who did come into or shall reside in any parish, township, or place, under the authority of this act, and not afterwards having gained a legal settlement in such parish, township or place, shall gain or be adjudged to have any settlement in such parish, township, or place, by reason of such apprenticeship or binding, or by reason of such hiring or serving therein; but all such apprentices and servants shall have their settlements in such parish, township, or place, as if they had not been bound, or had not been hired to such person as aforesaid, any act or acts of parliament to the contrary notwithstanding.

Charges of maintaining or removing residents under this act to be reimbursed by the parish to which the parties belong.

XXVI. And be it further enacted by the authority aforesaid, That when any overseer or overseers of the poor of any parish, township, or place, shall have been put to any charge in the maintaining any person or persons, or their families, residing in such parish, township, or place, under the authority of this act, or in removing any person or persons, back to the place to which he, she, or they shall belong, after he, she, or they shall have become actually chargeable, or asked relief as aforesaid, such overseers shall from time to time be reimbursed such reasonable charges by the overseers of the poor of the parish, township, or place, to which such person or persons shall belong, the said charges being first ascertained

tained and allowed of by one or more of His Majesty's justices of the peace residing near the place where such charges shall be incurred; to be levied, in case of refusal of payment, by distress and sale of the goods and chattels of such overseers of the poor as last aforesaid, by warrant or warrants, under the hand and seal, or hands and seals, of such justice or justices, returning the overplus, if any there be; which warrant or warrants he or they is and are hereby required to grant.

[33 Geo. III. Cap. 55.]

An Act to authorize Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace or Parish Officers, for Neglect of Duty, and on Masters of Apprentices for ill Usage of such their Apprentices; and also to make Provision for the execution of Warrants of Distress granted by Magistrates.

[21*st* June 1793.]

"WHEREAS it is expedient to give further powers to justices of the peace to impose fines upon overseers of the poor, constables, and other peace and parish officers, within their respective jurisdictions for neglect of duty in such their respective offices, or for disobedience of the warrants or orders of such justices; and it is also expedient to empower justices to impose fines upon masters of apprentices for ill usage of such their apprentices, and also to make provision for the execution of warrants of distress, granted by magistrates:" May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for any two or more of His Majesty's justices of the peace, assembled at any special or petty sessions of the peace, upon complaint being made upon oath before them, of any neglect of duty, or of any disobedience of any lawful warrant or order of any justice or justices

Justices may impose fines upon constables, &c. for neglect of duty, and on masters

for ill-usage of apprentices.

justices of the peace, by any constable, overseer of the poor, or other peace or parish officer, or upon complaint made to such two or more justices upon oath, by or on the behalf of any apprentice to any trade or business whatsoever, whether bound apprentice by any parish or township or otherwise, provided that not more than the sum of ten pounds be paid upon the binding of such apprentice, against his or her master or mistress, of any ill usage of such apprentice, by such master or mistress (such constable, overseer, or other officer, master or mistress, having been duly summoned to appear and answer such charge or complaint), to impose, upon conviction, any reasonable fine or fines, not exceeding the sum of forty shillings, upon such constable, overseer, or other officer, master or mistress respectively, as a punishment for such disobedience, neglect of duty, or ill-usage; and by warrant under the hands and seals of any two or more of such justices assembled, at any such special or petty sessions as aforesaid, to direct such fine or fines, if not paid, to be levied by distress and sale of the goods and chattels of the person or persons so offending, rendering the overplus (if any) after deducting the amount of such fine or fines, and the charges of such distress and sale, to such offender or offenders; and such fine or fines which may be imposed upon any such constable, overseer, or other officer as aforesaid, shall be applied and disposed of for the relief of the poor of the parish, township, or place, where the offenders shall respectively reside, at the discretion of the justices imposing the same, and such fine or fines, which may be imposed upon any such master or mistress, shall, at the discretion of the justices imposing the same, be either so applied and disposed of as aforesaid, or be otherwise paid and applied to or for the use and benefit of such apprentice, for or towards a recompence or compensation for the injury which may have been by him or her sustained by reason of such ill-usage as aforesaid; and if any person shall be aggrieved by the imposition of such fine or fines as aforesaid, or by any order or warrant of distress for raising and levying the same, or by the judgment or determination of the said justices, or by any act to be done in the execution of such warrant of distress, such person or persons so aggrieved shall and may appeal to the next general or quarter sessions of the peace to be held for the county, riding, or division, within which such person

Application of fines.

Persons aggrieved may appeal to the quarter sessions.

shall reside, of which appeal ten days notice at the least shall be given; and for want of such distress, such person or persons shall be committed to the house of correction for any space of time not exceeding ten days.

For want of distress, offenders may be committed.

II. Provided always, and be it further enacted, That no person acting under any such warrant of distress as aforesaid shall be deemed a trespasser *ab initio*, by reason of any irregularity or informality in such warrant, or in any proceedings thereon, but any person aggrieved by the issuing or execution of such warrant may recover the special damages thereby by him or her sustained, in an action of trespass, or on the case, in any of His Majesty's courts of record.

No persons to be deemed trespassers on account of irregularity in proceedings, &c.

"III. And whereas warrants of distress granted by justices of the peace are in many instances ineffectual, by reason of the goods and chattels of the persons against whom such warrants are granted being out of the jurisdiction of the justice granting the same:" Be it therefore further enacted, That in all cases where any penalty, forfeiture, fine, or other money, may, by the warrant of any justice or justices of the peace, be directed to be levied by distress and sale of the goods and chattels of any person or persons, if sufficient distress cannot be found within the limits of the jurisdiction of the justice granting such warrant of distress, on oath thereof made by one witness before any justice of the peace of any other county, riding, division, city, borough, town corporate, or place (which oath shall be by him certified by indorsement on such warrant,) such penalty, forfeiture, fine, or other money, or so much thereof as may not have been before levied or paid, shall and may, by virtue of such warrant and indorsement, be raised and levied by the person or persons to whom such warrant of distress shall have been originally directed, by distress and sale of the goods and chattels of such person or persons, in such other county, riding, division, city, borough, town corporate or place; and the money arising by such distress and sale shall be applied and disposed of for such purposes, and in like manner, as if sufficient goods and chattels of such person or persons had been found within the jurisdiction of the magistrates originally granting such warrant; and if no such distress can be found, such offender or offenders shall and may be forthwith proceeded against according to law; provided always that no justice who shall indorse any certificate upon, or authorise the execution of any such

Where distress cannot be found in the jurisdiction of justices granting warrants it may be levied in any other place.

Justices authorizing the execution of warrants not granted within their jurisdictions, not

to be answerable for any irregularity in obtaining them.

warrant of distress which may not have been granted within his jurisdiction, shall be answerable or accountable for any irregularity which may have been committed or done in or about the obtaining or granting of such warrant of distress.

[35 Geo. III. c. 101.]

An Act to prevent the Removal of poor Persons, until they shall become actually chargeable.

[22*d* June 1795.]

13 and 14 Car. II. c. 12. recited.

"WHEREAS by an act, passed in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for the better relief of the poor of this kingdom*, reciting, that whereas, by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy; and when they have consumed it then to another parish, and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks where it is liable to be devoured by strangers; for remedy whereof it is thereby, amongst other things, enacted, That it shall and may be lawful, upon complaint made by the churchwardens or overseers of the poor of any parish, to any justice of the peace, within forty days after any such person or persons coming so to settle as aforesaid, in any tenement under the yearly value of ten pounds, for any two justices of the peace, whereof one to be of the quorum, of the division where any person or persons that are likely to be chargeable to the parish shall come to inhabit, by their warrant, to remove and convey such person or persons to such parish where he or they were last legally settled, either as a native, householder, sojourner, apprentice, or servant for the space of forty days at the least, unless he or they give sufficient security for the discharge of the said parish, to be allowed by the said justices:

And whereas many industrious poor persons, chargeable to the parish, township, or place where they live merely from want of work there, would in any other place, where sufficient employment is to be had, maintain themselves and families without being burthensome to any parish, township, or place; and such poor persons are for the most part compelled to live in their own parishes, townships, or places, and are not permitted to inhabit elsewhere, under pretence that they are likely to become chargeable to the parish, township, or place, into which they go for the purpose of getting employment, although the labour of such poor persons might, in many instances, be very beneficial to such parish, township, or place: And whereas the remedy intended to be applied thereto, by the granting of certificates, in pursuance of the act passed in the eight and ninth years of the reign of King *William* the third, intituled, *An act for supplying some defects in the laws for the relief of the poor of this kingdom*, hath been found very ineffectual, and it is necessary that other provisions should be made relating thereto:" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, so much of the said in part recited act of the thirteenth and fourteenth years of King *Charles* the Second, as enables the justices to remove any person or persons that are likely to be chargeable to the parish, township, or place, into which they shall come to inhabit, shall be and the same is hereby repealed; and, that from thenceforth no poor person shall he removed, by virtue of any order of removal, from the parish or place where such poor person shall be inhabiting, to the place of his or her last legal settlement, until such person shall have become actually chargeable to the parish, township, or place, in which such person shall then inhabit, in which case two justices of the peace are hereby empowered to remove the person or persons, in the same manner, and subject to the same appeal, and with the same powers, as might have been done before the passing of this act with respect to persons likely to become chargeable.

So much of recited act as enables justices to remove persons likely to be chargeable to parishes, repealed; and no persons to be removed till they become chargeable.

"II. And whereas poor persons are often removed or passed to the place of their settlement during the time of their sickness,

Justices may suspend the removal of sick person

to the great danger of their lives;" for remedy whereof, be it further enacted by the authority aforesaid, That in case any poor person shall from henceforth be brought before any justice or justices of the peace, for the purpose of being removed from the place where he or she is inhabiting or sojourning, by virtue of any order of removal, or of being passed by virtue of any vagrant pass, and it shall appear to the said justice or justices that such poor person is unable to travel, by reason of sickness or other infirmity, or that it would be dangerous for him or her so to do, the justice or justices making such order of removal, or granting such vagrant pass, are hereby required and authorized to suspend the execution of the same until they are satisfied that it may safely be executed, without danger to any person who is the subject thereof; which suspension of, and subsequent permission to execute the same, shall be respectively indorsed on the said order of removal or vagrant pass, and signed by such justice or justices: And no act done by any such poor person continuing to reside in any parish, township, or place, under the suspension of any such order shall be effectual, either in the whole or in part, for the purpose of giving him or her a settlement in the same; and the charges proved upon oath to have been incurred by such suspension of any order of removal may, by the said justices, be directed to be paid by the churchwardens and overseers of the parish or place to which such poor person is ordered to be removed, in case any removal shall take place, or in case of the death of such poor person before the execution of such order; and if the churchwardens or overseers of the parish, township, or place, to which the order of removal shall be made, or any or either of them, shall, upon the removal or death of such poor person ordered to be removed, refuse or neglect to pay the said charges within three days after demand thereof, and shall not within the same time give notice of appeal as is hereinafter mentioned, it shall and may be lawful for one justice of the peace, by warrant under his hand and seal, to cause the money mentioned in such order to be levied by distress and sale of the goods and chattels of the person or persons so refusing or neglecting payment of the same, and also such costs attending the same, not exceeding forty shillings, as such justice shall direct; and if the parish, township, or place, to which the removal of such poor person is made or was ordered to be made, before the death

Charges incurred by such suspension to be paid by the officers of the parish to which they are ordered to be removed, which may be levied with costs.

death of such person as aforesaid, be without the jurisdiction of the justice of the peace issuing the warrant, then such warrant shall be transmitted to any justice of the peace having jurisdiction within such parish, township, or place as aforesaid, who, upon receipt thereof is hereby authorized and required to indorse the same for execution: Provided nevertheless, that if the sum so ordered to be paid on account of such costs and charges exceed the sum of twenty pounds, the party or parties aggrieved by such order may appeal to the next general quarter sessions against the same, as they may do against an order for the removal of poor persons by any law now in being; and if the court of quarter sessions shall be of opinion that the sum so awarded be more than of right ought to have been directed to be paid, such court may and is hereby directed to strike out the sum contained in the said order, and insert the sum which in the judgment of such court ought to be paid; and in every such case the said court of quarter sessions shall direct that the said order so amended shall be carried into execution by the said justices by whom the order was originally made, or either of them, or in case of the death of either of them, by such other justice or justices as the said court shall direct: Provided, that nothing in this act contained shall extend to alter or abridge the power of justices of the peace to pass or punish vagrants in the manner and under the circumstances set forth in an act, passed in the seventeeth year of the reign of His late Majesty, King *George* the Second, intituled, *An act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction* (except so far as regards the power of suspending the vagrant pass, in the manner and for the causes before mentioned).

If costs exceed 20l. appeal may be made to the quarter-sessions.

This act not to alter the power of justices to pass or punish vagrants by 17 Geo. II. c. 5. except as to suspension.

III. And be it further enacted by the authority aforesaid, That no person coming into any parish, township, or place, shall, from and after the passing of this act, be enabled to gain any settlement therein by delivery and publication of any notice in writing.

No person to gain a settlement by delivery and publication of a written notice;

IV. Provided always, and be it further enacted by the authority aforesaid, That, from and after the passing of this act, no person or persons whatsoever, who shall come into any parish, township, or place, shall gain a settlement in such parish, township, or place, by being charged with, and paying

nor by paying taxes for a tenement of less than 10l. yearly value.

ing his, her, or their share, towards the publick taxes or levies of the said parish, township, or place, for or on account or in respect of any tenement or tenements, not being of the yearly value of ten pounds.

Rogues, &c. to be considered as chargeable, and may be removed.

V. Provided also, and be it further enacted, That every person who shall have been convicted of larceny, or any other felony, or who by the laws now in being shall be deemed a rogue, vagabond, idle, or disorderly person, or who shall appear to any two or more justices of the peace of the division wherein such person shall reside, upon the oath of one or more credible witness or witnesses to be a person of evil fame, or a reputed thief, such person not being able to give a satisfactory account of himself or herself, or of his or her way of living, shall be considered as a person actually chargeable within the true intent and meaning of this act, to the parish in which such person shall reside, and shall be liable to be removed to the parish of his or her last legal settlement by the order of the said justices of the peace whereof one to be of the quorum of the division where any such person shall reside.

Unmarried women with child to be deemed chargeable.

VI. Provided also, and be it hereby enacted by the authority aforesaid, That every unmarried woman with child shall be deemed and taken to be a person actually chargeable, within the true intent and meaning of this act, to the parish, township, or place, in which she shall inhabit, and may be removed as such to the place of her last legal settlement; and in case any order of removal obtained for such purpose shall be suspended for any of the reasons before mentioned, and during such suspension the said woman shall be delivered of any child, which by the laws of this kingdom shall be a bastard, every such bastard child shall be deemed and taken to be settled in the same parish, township, or place in which was the legal settlement of the mother at the time of her delivery: Provided nevertheless, that all act or acts heretofore made touching bastard children, or concerning the mothers or reputed fathers of such children, shall be, and remain in full force and effect after the passing of this act as well in cases where by this act the place of settlement of such bastard children is directed to be the same as that of the mothers of such children, as in cases where the place of settlement of such bastard children remains the same as it did before the passing of this act.

Bastards to be deemed of the mothers' parishes.

Former acts touching bastards, &c. to remain in force.

[36 Geo III. c. 10.]

An Act for the better Relief of the Poor within the several Hundreds, Towns, and Districts, in that Part of Great Britain *called* England, *incorporated by divers Acts of Parliament for the Purpose of the better Maintenance and Employment of the Poor; and for enlarging the Powers of the Guardians of the Poor within the said several Hundreds, Towns, and Districts, as to the Assessments to be made upon the several Parishes, Hamlets, and Places, within their respective Hundreds, Towns, and Districts, for the Support and Maintenance of the Poor.* [18*th* December 1795.]

"WHEREAS several acts of parliament have of late years been made and passed, for the better relief and employment of the poor in particular incorporated hundreds, towns, and districts, within that part of *Great Britain* called *England:* And whereas certain persons, described and appointed by the said several acts, are thereby empowered to assess the several parishes, hamlets, and places, chargeable to the poor's rate within the said several hundreds, towns, or districts respectively, in such sums of money as they shall think necessary for defraying the expences of supporting and maintaining the poor within their respective hundreds, towns, and districts, and for other the purposes of the said acts; but such sums of money, for which such assessments are to be made, are by the said several acts of parliament limited so as that they may not exceed a certain sum in any one year, which sum was calculated upon an average of the amount of the poor's rates in each parish respectively, for a certain number of years previous to the passing of the respective incorporating acts: And whereas, by reason of the late very great increase of the price of corn, and other necessary articles of life, the amount of the rates and assessments, so limited by the said several acts of parliament, are become insufficient for the necessary relief and maintenance of the poor, who have also of late greatly increased in number: And whereas in many incorporated hundreds, towns, and districts, the expence of maintaining the poor, since the first day of *January* one thousand

thousand seven hundred and ninety-five, has exceeded the whole amount of the rates which could be raised in the present year within those hundreds, towns, and districts, under their respective incorporating acts; whereby considerable debts have on that account been incurred by the guardians of the poor of those hundreds, towns, and districts: And it is therefore become necessary and expedient that the powers of the several persons to whom it is committed, by the said several acts of parliament, the duty of appointing the sums to be assessed on the several parishes, hamlets, and places within their respective hundreds, towns, and districts, should be enlarged:" May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, it shall and may be lawful for the directors and acting guardians of the poor within any hundred, town, or district, in that part of *Great Britain* called *England*, incorporated by any act of parliament for the relief or maintenance and employment of the poor, or for any other persons, by whatsoever name they are called or described, to whom is given, by any such incorporating act, the power of appointing the sum or sums to be assessed on the several parishes, hamlets, or places, within their respective hundreds, towns, or districts, for the maintenance of the poor, and other the purposes of such act, at any of their annual, quarterly, or other general meetings, whenever the average price of wheat at the corn market in *Mark Lane*, *London*, for the quarter immediately preceding such annual, quarterly, or other general meeting, shall have exceeded the average price of wheat at the same market during those years from which the average amount of the poor's rates was taken upon the passing of the several incorporating acts respectively, to assess the several parishes, hamlets, and places within their respective hundreds, towns, or districts, which now are or usually have been charged to the poor's rates, in such respective sums of money as the said directors and acting guardians, or such other persons as aforesaid, shall think necessary for defraying the expences attending the support and maintenance of the poor for the current quarter, and for paying the interest of the money borrowed

Directors and acting guardians of the poor, incorporated by acts of parliament, may, in certain cases, make such assessments as may be necessary for the support and maintenance of the poor, &c. notwithstanding they may exceed the assessments limited by the respective acts.

borrowed and due by virtue of the said respective acts, and of any debts which may have been incurred since the first day of *January* one thousand seven hundred and ninety-five, in the maintenance of the poor, and for other the purposes of the said acts, notwithstanding such sums of money so to be assessed should exceed the amount of the assessments limited by such respective acts of parliament to be assessed on the respective parishes, hamlets, and places within such incorporated hundreds, towns, or districts, in any one year: Provided always, that the sums to be assessed, and the assessments to be made by virtue of this act, in each respective incorporated hundred, town, or district, shall be assessed, made, collected, and paid in the same manner, and subject to the same restrictions, regulations, limitations, and powers of appeal, and with the like powers and remedies for compelling payment thereof, as the sums to be assessed, and the assessments to be made, by virtue of the several incorporating acts, are by those respective acts directed to be assessed, collected, and made, within the several hundreds, towns, and districts respectively incorporated by those acts: Provided also that the sums to be assessed by virtue of this act, upon any parish, hamlet, or place, shall be in the same rates and proportions as the assessments which have hitherto been made and levied by virtue of the said act or acts incorporating the several hundreds, towns, or districts in which such parishes, hamlets, or places are respectively situated: And provided also, that, from and after the first day of *January* one thousand seven hundred and ninety-eight, the sums to be assessed by virtue of this act, on any parish, hamlet, or place, shall never exceed, in any one year, the amount of double the sum at present raised by virtue of any incorporating act now existing.

Assessments by virtue of this act to be made, &c. as those under the incorporating acts.

From Jan. 1, 1798, no assessment to exceed double the sum at present raised under the incorporating acts.

[36 Geo. III. Cap. 23.]

An Act to amend so much of an Act, made in the Ninth Year of the Reign of King George *the First, intituled,* An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor, *as prevents the distributing occasional Relief to Poor Persons in their own Houses, under certain Circumstances and in certain Cases.* [24*th* December 1795.]

9 Geo. I. c. 7.

"WHEREAS, by an act passed in the ninth year of the reign of His late Majesty King *George* the First, intituled, *An act for amending the laws relating to the settlement, employment, and relief of the poor*, it is (among other things) enacted, that it shall and may be lawful for the churchwardens and overseers of the poor, in any parish, town, township, or place, with the consent of the major part of the parishioners or inhabitants thereof in vestry or other parish or publick meeting for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, to purchase or hire any house or houses in the same parish, township or place, and to contract with any person or persons for the lodging, keeping, maintaining, and employing, any or all such poor, in their respective parishes, townships, or places, as shall desire to receive relief or collection from the same parish, and there to keep, maintain, and employ, all such persons, and take the benefit of the work, labour, and service, of any such poor person or persons, who shall be kept and maintained in any such house or houses for the maintenance and relief of such poor person or persons who shall be there kept and maintained; and in case any poor person or persons of any parish, town, township or place, when such house or houses shall be so purchased or hired, shall refuse to be lodged, kept, or maintained, in such house or houses, such poor person or persons so refusing shall be put out of the book or books where the names of the persons who ought to receive collection in the said parish, town, township, or place, are to be registered, and shall not be entitled to ask

or

or receive collection or relief from the churchwardens and overseers of the same parish, town, or township: And whereas the said provision contained in the act above-mentioned has been found to have been and to be inconvenient and oppressive, inasmuch as it often prevents an industrious poor person from receiving such occasional relief as is best suited to the peculiar case of such poor person, and inasmuch as in certain cases it holds out conditions of relief injurious to the comfort and domestick situation and happiness of such poor persons:" Be it therefore enacted by the King's most excellent Majesty, by and with the consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, it shall and may be lawful for the overseer or overseers of any parish, town, township, or place, with the approbation of the parishioners, or the majority of them, in vestry, or other usual place of meeting assembled, or with the approbation in writing of any of His Majesty's justice or justices of the peace usually acting in and for the respective ditrict, to distribute and pay collection and relief to any industrious poor person or persons at his, her, or their homes, house or houses, under certain circumstances of temporary illness or distress, and in certain cases respecting such poor person, or his, her, or their family, or respecting the situation, health, or condition of any poor-house or poor-houses, in any parish, town, township, or place, wherein a house or houses shall have been or shall be so hired, built, or purchased, and a contract made with any person or persons for lodging, keeping, maintaining, and employing, any or all poor persons who shall desire to receive collection or relief, although such poor person or persons shall refuse to be lodged, kept and maintained, within such house or houses, any thing in the said act passed in the ninth year of His Majesty King *George* the First, to the contrary notwithstanding.

Overseers with the approbation of the parishioners or any justice, may relieve poor persons at their own homes.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any of His Majesty's justice or justices of the peace for any county, city, town, or place, usually acting in and for the district wherein the same shall be situated, at his or their just and proper discretion, to direct and order collection and relief to any industrious poor person or persons, and he, she, or they shall

Justices may order relief to poor persons at their own homes.

shall be entitled to ask and to receive such relief at his, her, or their homes, house or houses, in any parish, town, township, or place, notwithstanding any contract shall have been or shall be made with any person or persons for lodging, keeping, maintaining, and employing, any and all poor persons in a house or houses for such purpose hired or purchased; and the churchwarden or churchwardens, overseer or overseers, for such parish, town, township, or place, are required, and directed to obey and perform such order for relief given by any justice or justices as aforesaid.

Cause of ordering such relief to be assigned on the order of the justice, &c.

III. Provided always, That the special cause, as hereinbefore mentioned, of ordering and directing collection or relief to any poor person or persons, at his, her, or their homes, house or houses, be assigned and written on each order for relief given and directed by any justice or justices as aforesaid; and provided always that such order be given for, and do remain in force for a time not to exceed one month from the date of such order: Provided also, that it shall and may be lawful for any two justices as aforesaid to make any further order for the same or like purpose, for any further time not exceeding one month from the date of such order, and so on from time to time, as the occasion shall require, such justice or justices first administering an oath as to the need and cause of such relief in each of the above cases, and thereon summoning the overseer or overseers of the poor of the parish, town, township, or place, to be charged with such relief, to shew cause why such poor person or persons should not receive such relief in manner as by law provided in cases where no contract for lodging, keeping, and maintaining the poor, shall as aforesaid have been made.

Act not to extend to places where houses of industry are provided under 22 Geo. III. c. 83. or under any special act.

IV. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed, deemed, or taken to extend, to authorize, empower, or enable, any overseer or overseers, or any justice or justices of the peace as aforesaid, to direct or order to distribute and pay, or to be distributed and paid, any collection or relief to any poor person or persons, at his, her, or their homes, house or houses, as aforesaid, in any parish, town, township, or place, in or for which any house of industry or other place for the reception and provision of the poor thereof, hath been already erected or provided, or shall hereafter be

erected

erected or provided, by and under the authority or directions of an act, passed in the twenty-second year of the reign of His present Majesty, intituled, *An act for the better relief and employment of the poor*, or under the authority or directions of any special act of parliament or law already passed for such parish, town, township, or place, and now in force for that purpose; but that in every such case all such last mentioned poor person or persons shall be provided for and relieved in such and the same manner as before the making and passing of this act.

V. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

[41 Geo. III. Cap. 9.]

An Act to explain and amend an Act, made in the Twenty-second Year of the Reign of His present Majesty, intituled, An Act for the better Relief and Employment of the Poor. [*8th* December 1800.]

"WHEREAS by an act, made in the twenty-second year of the reign of His present Majsety, intituled, *An act for the better relief and employment of the poor*, the justices of the peace are empowered to appoint one guardian, and no more, for each parish desirous of being regulated according to the provisions of the said act: And whereas in many parishes, by reason of their extent and population, one such guardian is not found to be sufficient for the performance of the duties thereby required;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this prerent parliament assembled, and by the authority of the same, That if in any parish which shall have adopted the provisions of the said act either alone or in conjunction with

22 Geo. III. c. 83. recited.

Two justices of the district may

appoint additional guardians of the poor, under recited act, on its being certified, in manner herein directed, that one is insufficient.

with any other parish it shall be the opinion of two thirds in number and value of the owners or occupiers of lands, tenements, and hereditaments, qualified as by the said act is required, who shall be present at a publick meeting to be called for that purpose, pursuant to notice thereof given in the church or chapel of the said parish, on the *Sunday* preceding, that one guardian is insufficient for carrying into due execution the provisions of the said act, and the same shall be certified by two or more of the persons present at such meeting, in writing under their hands, to two or more justices of the peace acting for the district or division within which such parish shall be situate, together with the names of four or more fit and proper persons qualified for the office of guardian as by the said act is required, it shall and may be lawful for the said justices, by writing under their hands, according to the form prescribed in the schedule to the said act, to appoint such and so many of the said persons to be guardians of the poor within such parish, as they in their discretion shall think fit, and as shall be necessary for duly carrying the purposes of the said act into execution.

Guardians of the poor, at monthly meetings, with approbation of the visitor, may make an order on the churchwardens, or overseers, &c. for such money as shall be necessary for the purposes of recited act.

"II. And whereas by the said act all the churchwardens and overseers of the poor are directed to pay to the guardians of the poor in parishes not united, and to the treasurer in parishes united as therein mentioned, such sums as may be necessary for the support of the poor in manner therein mentioned, and the guardians are also directed to pay to the treasurer of the poor house the sums required for the maintenance and support thereof, which in default of payment may be levied by warrant of distress and sale of the goods of such guardians under the hand of a justice of the peace; but no provision is made to enforce the payment of the monies directed to be paid by the churchwardens and overseers aforesaid:" Be it further enacted, That it shall and may be lawful for the guardians of the poor present at a monthly meeting held according to the directions of the said act, with the approbation of the visitor, who shall sign the same, to make an order on the churchwardens or overseers or collector of the poor's rates, some or one of them, for so much money as shall be necessary for the purposes of the said act; and if the churchwardens or overseers, or person or persons to whom the order shall be directed, shall neglect or refuse to pay the same to the treasurer or guardian to whom the same

In default of payment, justices may levy it by distress.

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is made payable within seven days after it shall be demanded, it shall be lawful for any justice of the peace within the division or district, upon proof made on oath of such default, to issue his warrant for levying the said sums by distress and sale of the goods and chattels of the said churchwardens and overseers, or other person or persons, in like manner as by the said act is provided in case of non-payment by the guardians of the poor.

Two justices may, on application, appoint a treasurer for a single parish, with a salary not exceeding 10l.

" III. And whereas by the said act no provision is made for the appointment of a treasurer, in the case of a single parish adopting the regulations of the said act, although from its population it may be found necessary and convenient:" Be it further enacted, That it shall and may be lawful for any two justices for the district or division within which any such parish shall be situate, to whom the expediency of such appointment shall be made appear, by application from two thirds in number and value of the owners and occupiers of lands, tenements, and hereditaments, qualified as by the said act is directed, to appoint a treasurer for the poor house in such parish, with a salary not exceeding ten pounds, according to the form prescribed in the schedule to the said act, in the case of united parishes.

Persons aggrieved may appeal to the next quarter sessions.

IV. And be it further enacted, That any person aggrieved by the act of any justice or justices of the peace out of sessions, in and concerning the execution of this act, may appeal to the next general quarter sessions of the peace for the county, riding, liberty, division, precinct, or district wherein such act was done, giving eight days' notice thereof to the party against whom the complaint shall be made, and giving security by recognizance to be acknowledged before a justice of the peace, with a sufficient surety to pay the costs attending such appeal, if the matter shall be determined against the appellant; and the justices at such quarter sessions are hereby authorized to hear and determine such appeal, and to award such costs for or against the appellant, as they shall see just cause so to do, which determination shall be final, and shall not be removed by *certiorari*.

Publick act.

V. And be it further enacted, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

[41 Geo. III. (U. K.) Cap. 23.]

An Act for the better Collection of Rates made for the Relief of the Poor. [18*th* April 1801.]

17 Geo. II. c. 38.

"WHEREAS by an act of parliament made and passed in the seventeenth year of the reign of His late Majesty King *George* the Second, intituled, *An Act for remedying some defects in the act made in the forty-third year of the reign of Queen* Elizabeth, *intituled*, '*An act for the relief of the poor*;' power was given to justices of the peace, upon appeals from rates and assessments, where they should see just cause to give relief, to amend the same in such manner only as should be necessary for giving such relief, without altering such rates or assessments with respect to other persons mentioned in the same: And whereas the quashing or setting aside of rates or assessments made for the relief of the poor, is attended with great inconvenience; and it hath happened, in consequence of the rate or assessment being quashed or set aside, or of notice of appeal against the whole rate being given, the churchwardens and overseers of the poor have not had any money in hand for the relief and maintenance of the poor:" For remedy whereof, may it please Your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, upon all appeals from any rate or assessment made for the relief of the poor of any parish, township, vill, or place, the court of general or quarter-sessions of the peace shall, and such court is hereby authorized and required (in all cases where they shall see just cause to give relief) to amend such rate or assessment, either by inserting therein or striking out the name or names of any person or persons, or by altering the sum or sums therein charged on any person or persons, or in any other manner which the said court shall think necessary for giving such relief, and without quashing or wholly setting aside such rate or assessment: Provided always, that

On appeal from any poor rate, the quarter session may amend it without quashing it, or if necessary to grant relief may quash the rate, but the sum assessed shall notwithstanding be levied.

if

if the said court shall be of opinion that it is necessary, for the purpose of giving relief to the person or persons appealing, that the rate or assessment should be wholly quashed, then the said court may quash the same; but nevertheless, all and every the sum and sums of money in and by such rate or assessment charged on any person or persons, shall and may be levied and recovered by such ways and means, and in such and the same manner, as if no appeal had been made against such rate or assessment; and all and every the sum and sums of money which any person or persons charged in such rate or assessment shall pay, or which shall be levied upon or recovered from him, her, or them, shall be deemed and taken as payments, on account of the next effective rate or rates, assessment or assessments, which shall be made for the relief of the poor of the same parish, township, vill, or place.

Notice of appeal not to prevent distress being made for the recovery of the rate, provided the sum be not greater than that assessed in the last effective rate.

II. And be it further enacted, That from and after the passing of this act, all and every the sum and sums of money at which any person or persons is or are or shall be rated or assessed, in any rate or assessment made for the relief of the poor of any parish, township, vill, or place, shall and may be levied and recovered by distress, and all other lawful ways and means, notwithstanding the persons or persons so rated or assessed, or any other person or persons, shall have given notice of appeal from or against such rate or assessment, for any cause whatsoever: Provided always, that if any person, rated or assessed in any rate or assessment, made for the relief of the poor, shall give such notice of appeal as hereinafter mentioned, to the churchwardens and overseers of the poor of any parish, township, vill, or place, or any two of them, then, from and after the giving of such notice, and until the appeal shall have been heard and determined, no proceedings shall be commenced or carried on to recover any greater sum or sums of money from such person or persons, than the sum or sums at which he, she, or they, or any occupier of the same premises, shall have been rated or assessed in the last effective rate which shall have been collected in such parish, township, vill, or place.

Quarter sessions having ordered a rate to be

III. And be it further enacted, That in case the said court of general or quarter sessions of the peace shall upon appeal order any rate or assessment for the relief of the poor to be

quashed, may order the sum charged on any person not to be paid, and stop proceedings for the recovery thereof, &c.

quashed, it shall be lawful for the said court to order that any sum or sums of money, in and by such rate or assessment charged on any person or persons, or any part of any such sum or sums, not to be paid, and then and in every such case no proceedings shall, after making such order, be commenced; or if any proceedings shall have been previously commenced, such proceedings shall be no further prosecuted or carried on for the purpose of levying or enforcing the payment of any sum or sums which shall be so ordered by the said court not to be paid as aforesaid: Provided always, that no justice of the peace, constable, or other officer of the peace, or other person, shall be deemed a trespasser, or liable to any action, for any warrant, order, act, or thing, which such justice, constable, or other officer or person shall have granted, made, executed, or done, for the purpose of levying or enforcing the payment of any such sum or sums of money, before he shall have had notice in writing of the order for the non-payment of such sum or sums of money, which the said court is hereby authorized to make as aforesaid.

Notices of appeal to be given to churchwardens and overseers of the poor, &c.

IV. And be it further enacted, That, from and after the passing of this act, all notices of appeal from or against any rate or assessment made for the relief of the poor, or from or against the account of the churchwardens and overseers of the poor of any parish, township, vill, or place, shall be in writing, and shall be signed by the person or persons giving the same, or his, her, or their attorney on his, her, or their behalf; and such notices of appeal shall be delivered to or left at the places of abode of the churchwardens and overseers of the poor of the parish, township, vill, or place, or any two of them, and the particular causes or grounds of appeal shall be stated and specified in such notice; and upon the hearing of any appeal from or against any such rate or assessment, or account, the court of general or quarter sessions to which such appeal shall be made, shall not examine or inquire into any other cause or ground of appeal than such as are or is stated and specified in the notice of appeal.

Appeals may be decided, if the parties consent, although notice be not given.

V. Provided nevertheless, and be it further enacted, That, with the consent of the overseers, signified by them or their attorney in open court, and with the consent of any other person interested therein, the said court of sessions may proceed to hear and decide upon such appeal, although no notice thereof shall have been given in writing; and also that with the like consent such court may hear and decide upon grounds of

of appeal, not stated or mistated in such written notice, where any notice shall have been given in writing.

Persons appealing against any rate shall give notice, not only to the churchwardens, &c. but also to the persons interested, &c.

VI. And be it further enacted, That, from and after the passing of this act, if any person or persons shall appeal against any rate or assessment made for the relief of the poor, because any other person or persons is or are rated or assessed in such rate or assessment, or is or are omitted to be rated or assessed therein, or because any other person or persons is or are rated or assessed in any such rate or assessment at any greater or less sum or sums of money than the sum or sums at which he, she, or they ought to be rated or assessed therein, or for any other cause that may require any alteration to be made in such rate or assessment with respect to any other person or persons, then, and in every such case the person or persons so appealing for the causes aforesaid, or any of them, shall give such notice of appeal, in writing as hereinbefore mentioned, not only to the churchwardens or overseers of the poor, or any two or more of them, but also to the other person or persons so interested or concerned in the event of such appeal as aforesaid; and such other person or persons shall, if he, she, or they shall so desire, be heard upon the said appeal; and it shall be lawful for the court of general or quarter sessions of the peace, on the hearing of such appeal, to order the name or names of such other person or persons to be inserted in such rate or assessment, and him, her, or them to be therein rated and assessed at any sum or sums of money, or to order the name or names of such other person or persons to be struck out of such rate or assessment, or the sum or sums at which he, she, or they is or are rated or assessed therein, to be altered, in such manner as the said court shall think right; and the proper officer of the said court shall forthwith add to or alter the rate or assessment accordingly.

The rate shall be recovered as altered by the quarter sessions.

VII. And be it further enacted, That if upon the hearing of any appeal from or against any rate or assessment, the said court shall order the name or names of any person or persons to be inserted therein, and him, her, or them to be rated or assessed at any sum or sums of money, or shall order the sum or sums at which any person or persons is or are therein rated or assessed to be raised or increased, then, and in such case all and every the sum and sums of money, at or to which such person or persons shall be so ordered to be rated or assessed, or to be raised or increased, or so much thereof as

shall not have been already paid, shall and may be recovered in such and the same manner, and by such and the same means, as if he, she, or they had been originally named in such rate or assessment, and rated or assessed therein at such sum or sums of money.

In case in the rate the name of any person shall be struck out, or any sum lowered, the quarter sessions shall order the money, which ought not to have been recovered, to be repaid.

VIII. And be it enacted, That if upon the hearing of any appeal from any rate or assessment for the relief of the poor, the court of general or quarter sessions of the peace shall order the name or names of any person or persons to be struck out of such rate or assessment, or the sum or sums rated or assessed on any person or persons to be decreased or lowered; and if it shall be made appear to the said court, that such person or persons hath or have, previously to the hearing of such appeal, paid any sum or sums of money, in consequence of such rate or assessment, which he, she, or they ought not to have paid, or been charged with, then and in every such case the said court shall order all and every such sum and sums of money to be repaid and returned, by the said churchwardens and overseers of the poor, to the person or persons having paid the same respectively, together with all reasonable costs, charges, and expences, occasioned by such person or persons having paid or been required to pay the same; and all and every the sum and sums of money so ordered to be repaid or returned by the churchwardens and overseers of the poor, or any of them, shall and may, together with all such costs, charges, and expences as aforesaid, be levied and recovered from them, or any of them, by distress and all such other ways and means as the money charged, rated, or assessed on any person, by any rate or assessment made for the relief of the poor, can or may be by law levied or recovered.

In default of churchwardens and overseers of the poor repaying the money expended by the preceding churchwardens, &c. for the maintenance of the poor, the quarter

" IX. And whereas it may have happened that the churchwardens and overseers of the poor of some parishes, townships, vills, or places, have not been able to collect a sum of money sufficient for the relief and maintenance of the poor within or belonging to the same, but they, or the guardian or guardians of the poor of such parishes, townships, vills, or places, have heretofore actually advanced and expended considerable sums for that purpose;" Be it therefore enacted, That it shall be lawful for the churchwardens and overseers of the poor of any parish, township, vill, or place, or any of them, out of any money which they or any of them shall collect or receive by virtue or in pursuance of any rate or assessment made for the relief

of

of the poor of such parish, township, vill, or place, to repay and reimburse the preceding churchwardens and overseers, guardian or guardians of the poor of such parish, township, vill, or place, all such sums of money as they or any of them have heretofore advanced or expended for the relief and maintenance of the poor within or belonging to such parish, township, vill, or place, during the time that no rate or assessment for the relief of the poor thereof has been made, or during the time that any appeal has been depending which affected the whole of such rate or assessment, or upon the hearing of which, the same might be wholly quashed or set aside; and in case the churchwardens and overseers of the poor of any parish, township, vill, or place, shall not pay to the preceding churchwardens and overseers, guardian or guardians, all such sums of money as they or any of them have so advanced and expended for the relief and maintenance of the poor as aforesaid, within fourteen days next after demand in writing made for that purpose, it shall be lawful for such preceding churchwardens and overseers, guardian or guardians of the poor, or any of them, to apply to the then next court of general or quarter sessions of the peace for the county, riding, division, town, corporation, or franchise, within which such parish, township, vill, or place is situate, giving due notice in writing of such application to the then churchwardens and overseers of the poor of such parish, township, vill, or place, or any two or more of them; and the said court of general or quarter sessions of the peace shall enquire into the matter of the said application, and examine the parties and their witnesses upon oath, and shall make an order upon the then churchwardens and overseers of the poor of such parish, township, vill, or place, or any of them, out of the money collected or received, or to be collected or received by them, or any of them, under or in pursuance of any rate or assessment made for the relief of the poor, to pay such sum or sums of money to the preceding churchwardens and overseers, guardian or guardians of the poor of the same, or any of them, as the said court shall think fit; and all and every the sum and sums of money so ordered by the said court to be paid, shall and may be levied and recovered by distress, and all such other ways and means as the money charged, rated, or assessed on any person by any rate or assessment made for the relief of the poor, can or may be by law levied or recovered.

sessions, on application being made to them, shall make an order for payment.

[41 Geo. III. (U. K.) Cap. 85.]

An Act for better Payment of Fines and Forfeitures imposed by Justices out of Session, in England.

[27*th* June 1801.]

"FOR the better bringing to account and making payment of such share of fines, forfeitures, and penalties, due to His Majesty, which are not by law payable to any particular persons, commissioners or others, levied before justices of the peace acting out of sessions;" be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, it shall be lawful for every justice of the peace acting out of session for any county, riding, city, borough, division, or place, in *England*, to receive all fines, forfeitures, and penalties, imposed by him or any other justice of the peace as aforesaid, acting out of sessions, and not made payable to any body or bodies corporate, or any commissioners of any public boards, or any other person or persons, and to give receipts for the same, which receipts shall be a sufficient discharge to the parties by whom the said fines shall be payable; and every such justice shall, by himself or clerk, keep an account, in a book to be provided for that purpose, of the amount of every fine, forfeiture, or penalty, which shall have been set or imposed by any adjudication or order made by every such justice, specifying the place and time and manner of such adjudication or order, the nature of the offence, and the act or acts under which the same was adjudged, and the name or names of the person or persons on whom such fine, forfeiture, or penalty was set or imposed; distinguishing whether the same was paid or levied, and what part or share thereof, if any, has been, or shall be paid or payable to any body or bodies corporate, commissioners, or person or persons, with the name and description of such body or bodies, commissioners, person or persons, and the authority under which he, she, or they claimed such part or share; and shall annually, previous to the *Michaelmas* session, pay into the hands of every sheriff of the county or city, and town and county having a separate sheriff, for which

Any justice in England out of session may receive and give a receipt for fines and forfeitures imposed by him or any other justice, which are not payable to any body corporate, &c. or other person, and shall enter an account thereof in a book in manner herein directed.

which such justice shall have acted in imposing such fines, all such fines, forfeitures, or penalties, or the parts or shares of such fines, forfeitures, or penalties, as shall be due to His Majesty, his heirs or successors; and the sheriff or his under sheriff is hereby required to give an acquittance for the same, which shall be a full discharge to every such justice, his heirs, executors, and administrators, for such fines, forfeitures, or penalties, or parts or shares thereof.

The justice shall also transmit an account of such fines and forfeitures to the clerk of the peace or town clerk, that the sheriff may be charged therewith in his apposal, &c.

II. And be it further enacted, That any justice of the peace shall, previous to the *Michaelmas* sessions, annually transmit to the clerk of the peace of the county, city, or town, or clerk of the town within which such fine, forfeiture, or penalty shall have been imposed, an account in writing, stating the several fines, forfeitures, and penalties, which have been imposed by him, and shewing which have been received by him, and from whom, and for what offences; which account the clerk of the peace or town clerk shall enter in his estreats with the names of the justices, that the sheriff may be charged with the same in his apposal, before the foreign apposer, to the end that the same may be set over and answered to the crown, in like manner as in the case of fines and forfeitures set or imposed at any session of the peace.

Where two justices shall impose fines, the account shall be kept &c. and payment made by the one resident at the place of adjudication.

III. And be it further enacted, That as often as two or more justices shall act together in setting or imposing any fine, forfeiture, or penalty, then the said account shall be kept, and a copy of it shall be delivered or transmitted, and the payment as aforesaid shall be made by such one of the said two or more justices, as shall reside at or near the place where such adjudication or order was made, or at or nearest the place where such general quarter sessions shall be held.

Constables on receiving accounts of such fines to give notice to the persons entitled thereto.

IV. And be it further enacted, That the said several clerks of the peace or town clerks, or their deputies, shall, within ten days next after any such general quarter sessions of the peace in which such justice shall have returned any conviction as aforesaid, deliver to the bailiff or chief constable of the district where any person shall reside, who shall by law be entitled to any share or proportion of any fines, forfeitures, or penalties which shall have been had and received, by any such justice as aforesaid, an account in writing of such fines, forfeitures, and penalties; which bailiff or chief constable shall transmit an account thereof to the petty constable of the parish, township, or place where such person shall reside, that

that notice may be given to the person so entitled, that he may, without delay, apply to such justice for his share of such fine, forfeiture, or penalty.

Act not to prevent officers of the crown from allowing fines as heretofore, &c.

V. Provided always, That nothing in this act shall be construed to extend to prevent the officers of the crown from allowing any fines, forfeitures, or penalties, levied by justices of the peace, for justices' wages, in the same manner as other fines are now allowed by law; and provided also, that it shall be lawful for sheriffs, or any other persons empowered to allow the same, to have an allowance of the same poundage on the balance of such fines charged on them after an allowance for justices' wages, in like manner as for fines at the assizes.

Nor to prevent the payment to the receiver of fines by the justices or their clerks, in any of the seven public offices appointed by 32 Geo. III. c. 53.

VI. And be it further enacted, That nothing herein contained shall be construed to prevent the payment to the receiver of fines, penalties, and forfeitures, by the justices or their clerks, in any of the seven public offices appointed by virtue of an act, passed in the thirty-second year of His present Majesty's reign, intituled, *An act for the more effectual administrntion of the office of a justice of the peace, in such parts of the counties of* Middlesex *and* Surrey, *as lie in and near the metropolis, and for the more effectual prevention of felonies.*

[42 Geo. III. Cap. 46.]

An Act to require Overseers and Guardians of the Poor, to keep a Register of the several Children who shall be bound or assigned by them as Apprentices; and to extend the Provisions of an Act, passed in the Twentieth Year of the Reign of His Present Majesty, to the binding of Apprentices by Houses of Industry, or Establishments for the Poor, which have been authorized so to do by subsequent Acts. [7*th* May 1802.]

43 Eliz. c. 2. "WHEREAS by an Act, passed in the forty-third year of the reign of Queen *Elizabeth*, intituled, *An act for the relief of the poor*, the overseers of the poor of every parish are enabled to bind out any poor children as apprentices, until every such poor male child shall attain the age of

twenty-four years, and until every such female child shall attain the age of twenty-one years, or the time of her marriage: And whereas it would tend to the benefit of the children so bound as apprentices, if the overseers of the poor were required to keep a register of all the children who shall be so bound:" May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the overseers of the poor of every parish, township, or place, appointed by virtue of the said recited act, passed in the forty-third year of the reign of Queen *Elizabeth*, shall, from and after the first day of *June*, and they are hereby required to provide and keep a book or books, at the expence of the said parish, township, or place, and to enter or cause to be entered therein, the name of every child who shall be bound out by them respectively as an apprentice, together with the several other particulars, in manner and form required by this act, according to the schedule hereunto annexed; and every such entry, when made in the said register, shall be produced and laid before the two justices of the peace who shall signify their assent to the indenture of apprenticeship of every such child, at the time when such indenture shall be laid before such justices for their assent, as required by the said recited act; and each entry in the said register shall, if approved of by such justices, be signed by them according to the form marked in the schedule hereunto annexed.

The overseers of the poor shall, after June 1. keep a book for entering the name of every apprentice bound out by them, and each entry shall be signed by two justices, according to the form in the schedule.

II. And be it further enacted, That if any overseer or overseers of the poor shall refuse or neglect to provide and keep such book or books or to make such entry therein as before directed, or shall destroy, or permit, suffer, or cause to be destroyed, any such book or books, or shall wilfully and knowingly obliterate, deface, or alter any such entry, so that the same shall not be a true entry of the several particulars hereby required, or shall wilfully and knowingly make a false entry therein, or shall so permit, suffer, or cause the same to be done, or shall not produce or lay such book or books before such justices as aforesaid for their signatures, or shall not deliver or tender, or cause to be delivered or tendered, such book or books to his, her, or their successor or successors

Penalty for not providing such book, or neglecting to make such entries therein, &c.

sors in office, within fourteen days after the appointment of such successor or successors, or if any such successor or successors shall refuse or neglect to receive the same when offered or tendered to him or them by his or their predecessor or predecessors in office, then and in every such case, every such person so offending shall for every such offence, on being convicted thereof before any two justices of the peace for the county, city, or place where the offence shall be committed, on the oath of any credible witness (which oath such justices are hereby empowered and required to administer), or on the voluntary confession of the party or parties forfeit and pay a sum not exceeding five pounds, to be recovered by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hands and seals of the justices before whom the offender or offenders shall be convicted, and the overplus (if any) of the money arising by such distress and sale, shall be returned upon demand to the owner or owners of such goods and chattels, after deducting the costs and charges of making, keeping, and selling such distress; and such penalties and forfeitures shall be applied for the use of the poor of the parish, township, or place, for which such offender or offenders shall be overseer or overseers; and in case sufficient distress cannot be found, or such penalties and forfeitures shall not be paid forthwith, it shall and may be lawful to and for such justices, by warrant under their hands and seals, and they are hereby required to commit every such offender to the common gaol or house of correction of the county, city, or place where the offence shall be committed, there to remain without bail or mainprize, for any time not exceeding one calendar month, unless such penalties and forfeitures shall be sooner paid and satisfied.

Books may be inspected, and shall be deemed evidence.

III. And be it further enacted, That it shall and may be lawful for any person or persons, at all seasonable hours to inspect such book or books in the hands of the said overseer or overseers, and to take a copy of such entry in such book or books, upon payment of the sum of sixpence, except in case of any of His Majesty's justices of the peace acting in and for the said county, who shall be entitled at all such times to inspect such book *gratis*; and every such book shall be and be deemed to be sufficient evidence in all courts of law whatsoever, in proof of the existence of such indentures, and also of

the several particulars specified in the said register respecting such indentures, in case it shall be proved to the satisfaction of such court that the said indentures are lost or have been destroyed.

IV. And be it further enacted, That the justices of the peace before whom any person shall be convicted by virtue of this act, shall and may cause the conviction to be drawn up in the following form; (*videlicet*)

Form of conviction.

'BE it remembered, That on the day of in the year of our Lord
'*A. B.* is convicted before us, two of His Majesty's justices 'of the peace for the (*specifying the offence, 'and the time and place when and where committed, as the 'case may be*) contrary to an act made in the forty-second 'year of the reign of King *George* the Third, intituled, (*here 'set forth the title of this act.*) Given under our hands and 'seals the day and year above mentioned.'

When assignment of apprentices shall take place, an entry thereof shall be made in such book in manner herein directed.

V. And be it further enacted, That whenever any such apprentice shall be assigned or bound over to any other master or mistress by virtue of an act, passed in the thirty-second year of the reign of His present Majesty, intituled *An act for the further regulation of parish apprentices*, then and in every such case the overseer or overseers, party or parties to the assignment of such apprentice, shall insert the name and residence of the master or mistress to whom such apprentice shall be assigned or bound over as aforesaid, together with the other particulars in the book or books herein directed to be provided and kept by such overseer or overseers; and for non-performance thereof, every such overseer or overseers shall be liable to the pains, penalties, and forfeitures incurred by this act, in like manner as if such apprentice had been originally bound to such master or mistress.

Persons having like powers as overseers of the poor to bind out apprentices shall comply with the directions of this act.

"VI. And whereas by different acts of parliament, the like powers are given to certain persons therein named, for binding out parish apprentices, as are given to the overseers of the poor;" Be it therefore enacted, That such several persons shall be subject to the like pains, penalties, and forfeitures for non-compliance with the several provisions and directions in this act contained for registering any parish apprentice bound out or assigned by them respectively, to which

which overseers of the poor are subject and liable by virtue of this act, for non-compliance with such provisions and directions.

Appeal may be made to quarter sessions.

VII. And be it further enacted, That if any person or persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this act, it shall and may be lawful to and for such person or persons to appeal to the justices at the first general quarter sessions of the peace to be holden for the county or place where the cause of appeal shall arise, within four calendar months next after the cause of appeal shall have arisen, on giving to the person or persons appealed against ten days' notice of such appeal, and of the matter thereof; and the justices at such sessions are hereby authorized and required to hear and determine the matter of such appeal in a summary way, and to grant such costs and expences to either party as to them shall seem reasonable.

The powers of 20 Geo. 3. c. 36. shall extend to poor children bound apprentices under the authority of any subsequent act.

"VIII. And whereas by an act, passed in the twentieth year of His present Majesty, the powers which were given by several preceding acts of parliament to bind poor children apprentices are, by the said act of the twentieth year of His Majesty, extended as to the power of compelling persons to receive and provide for such poor children as should be appointed to be bound apprentices to them in pursuance of the said prior acts: and whereas since that time several acts have passed by which houses of industry, or establishments for the poor, have been authorized to bind apprentices; and doubts have arisen whether the powers and provisions in the said act of the twentieth of His Majesty, will extend to the case of apprentices so bound out under the authority of such subsequent acts;" Be it therefore enacted by the authority aforesaid, that the several powers and provisions in the said recited act of the twentieth of His Majesty contained, shall extend and are hereby extended, and shall have full effect, to poor children bound apprentices under the authority of any acts passed since the said recited act, in the same manner as if such acts had passed prior to the said recited act of the twentieth of His Majesty.

FORM of the REGISTER.

Number	Date of Indenture.	Name of the Apprentice.	Sex.	Age.	His or her Parents Names.	Their Residence.	Name of Persons to whom bound or assigned, as the Case may be.	His or her Trade.	His or her Residence.	Term of the Apprenticeship or Assignment.	Apprentice or Assignment Fee.	Overseers Parties to the Indenture or Assignment.	Magistrates assenting.
													(to be signed by themselves.)

[42 Geo. III. Cap. 74.]

An Act to amend an Act, made in the Twenty-second Year of the Reign of His present Majesty, for the better Relief and Employment of the Poor, so far as relates to the Payment of the Debts incurred for building any Poor House. [22*d* June 1802.]

22 Geo. III. c. 83.

"WHEREAS by an act, made in the twenty-second year of the reign of His present Majesty, intituled, *An act for the better relief and employment of the poor*, it was, among other things, enacted, that in case any money should be borrowed, under the powers of the said act, for the building any poor-house or workhouse, or purchasing any land necessary to be used for that purpose, the assessments for the relief of the poor should continue at the same rates they were when such poor-house or workhouse was first established, until the debts so contracted, and the interest thereof, should be fully discharged: And whereas the said provision has been found highly burthensome and oppressive to such parishes as have adopted the provisions of the said act, from the necessity there has been, on account of the late high price of provisions, to impose heavy rates for the relief of the poor during the last two years:" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the guardians of the poor of any parish, who have erected any poor-house or workhouse under the powers of the said recited act, shall, and they are hereby authorized and empowered, with the consent of the several persons to whom the same shall be due and payable, yearly and every year to pay off and discharge any part of the money borrowed under the powers of the said recited act, not being less than one-twentieth part thereof, besides the interest which may be payable on the sum remaining undischarged; and in case such sum so to be paid off shall not in any one year be sufficient to discharge any one of the notes for fifty pounds, issued pursuant to the directions of the said act for securing the money

The guardians of the poor of any parish who have erected any workhouse under the recited act, shall, with the consent of the persons to whom payable, pay off yearly not less than one-twentieth part of the money borrowed.

Money to remain in overseers

money borrowed under the authority thereof, the same shall, from time to time, remain in the hands of the overseers of the poor of such parish, until it amounts to a sufficient sum to pay off and discharge any of the said notes: any thing contained in the said recited act to the contrary hereof in anywise notwithstanding.

hands till it amounts to 50*l.* to pay off the notes of that amount.

[43 Geo. III. Cap. 47.]

An act for consolidating and amending the several Laws for providing Relief for the Families of Militia Men of England, *when called out into actual Service.*

[27*th* May 1803.]

"WHEREAS it is expedient that many of the provisions contained in several acts relating to the relief directed to be given to the non-commissioned officers, drummers, fifers, and privates, serving in the militia for *England* should be repealed, and others of them continued and amended, and that new provisions should be made; and it would greatly tend to the better execution thereof, if the whole of the said provisions were comprized in one act of parliament: And whereas it is necessary for the purposes aforesaid, that certain acts and parts of acts now in force should be repealed;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, an act passed in the thirty-third year of the reign of His present Majesty, (intituled, *An act to provide for the families of persons chosen by lot to serve in the militia of this kingdom, and of substitutes serving therein; and to explain and amend an act of parliament, passed in the twenty-sixth year of His present Majesty, intituled,* '*An act for amending and reducing* '*into one act of parliament, the laws relating to the militia in* '*that part of* Great Britain *called* England;') and also an act, passed in the thirty-fourth year of the reign of His present Majesty, (intituled, *An act to amend an act, passed in*

33 Geo. III. c. 8.

34 Geo. III. c. 47.

in the last session of parliament, intituled, ' *An act, to provide* ' *for the families of persons chosen by lot to serve in the militia* ' *of this kingdom, and of substitutes serving therein; and to* ' *explain and amend an act of parliament, passed in the* ' *twenty-sixth year of His present Majesty, intituled,* " *An* " *act for amending and reducing into one act of parliament,* " *the laws relating to the militia in that part of* Great Britain " *called* England;" *and also an act, made in this present session of parliament, intituled,* ' *An act for augmenting the militia);*' and also an act passed in the thirty-fifth year of the reign of His present Majesty, (intituled, *An act to apportion the relief by the several statutes now in force directed to be given to the families of non-commissioned officers, drummers, fifers, and privates, serving in the militia, between the county at large and the peculiar districts therein, not contributing to the county rate, according to the number of men serving for each in such militia; and to remove certain difficulties in respect to the relief of families of substitutes, hired men, or volunteers serving in the militia);* and also an act passed in the thirty-sixth year of the reign of His present Majesty, (intituled, *An act to explain and amend an act, passed in the thirty-third year of His present Majesty's reign, intituled,* ' *An act to provide for the families of per-* ' *sons chosen by lot to serve in the militia of this kingdom, and* ' *of substitutes serving therein; and to explain and amend an* ' *act of parliament, passed in the twenty-sixth year of His* ' *present Majesty, intituled,* " *An act for amending and re-* ' *ducing into one act of parliament, the laws relating to the* ' *militia in that part of* Great Britain *called* England;") shall be and the same are hereby repealed; save and except as to all cases relating to the repayment or reimbursement of any sum or sums of money heretofore advanced or paid under any or either of the said acts; and to the allowing, accounting for, or recovering of any such sum or sums of money, or any arrears thereof, which may remain not repaid, reimbursed, allowed, accounted for, or recovered; or to any fines, penalties, or forfeitures relating thereto respectively.

35 Geo. III. c. 81. and

36 Geo III. c. 114. repealed.

Exceptions.

The families of militiamen when embodied shall receive a weekly allowance out

II. And be it further enacted, That if any person serving or enrolled in the militia of *England*, as a non-commissioned officer or drummer, or as a balloted man or substitute, hired man or volunteer respectively, shall, when embodied and called out into actual service, leave a family unable to support

port themselves, the overseer or overseers of the poor of the parish, tything, or township where the family of such person shall dwell, shall, by order of some one justice of the peace, pay to the family of every such non-commissioned-officer, drummer, balloted man, substitute, hired man, or volunteer respectively, out of the rates for the relief of the poor of such parish, tything, or township, a weekly allowance, according to the usual and ordinary price of labour in husbandry within the said county, riding, division, district, or place where such family shall dwell, by the following rule; that is to say, any sum not exceeding the price of one day's such labour, nor less than one shilling for each and every child born in wedlock, and under the age of ten years; and for the wife of such non-commissioned officer, drummer, balloted man, substitute, hired man, or volunteer, whether he shall or shall not have any child or children, any sum not exceeding the price of one day's such labour, nor less than one shilling; and in every parish, tything, or township, where the money arising by such rates shall not be sufficient for the purpose aforesaid, a new rate or rates shall be made for raising a sum sufficient for that purpose.

of the poor-rates.

III. And be it further enacted, That it shall be lawful for the justices of the peace, assembled at any *Michaelmas* general quarter sessions of the peace held for any county, riding, division, or place in *England*, raising any militia, to settle, ascertain, and regulate the rate of allowance to be paid under this act to the families of militia men resident within such county, riding, division, or place; and every such rate of allowance so settled, ascertained, and regulated as aforesaid, shall be binding upon all justices of the peace making any order for the payment of allowance under this act in such county, riding, division, or place, until any other or new rate of allowance shall be settled as aforesaid.

The justices at any Michaelmas quarter sessions, may regulate the rate of allowance.

IV. Provided always, and be it further enacted, That no allowance shall be ordered or paid under this act, to the wife or family of any person serving in the militia, until such person shall have joined the regiment, battalion, or corps to which he belongs, or for any longer period than such person shall continue to serve and remain embodied in actual service, nor in any case in which the wife, in respect of or by whom any such relief is demanded, shall follow the

Conditions on which allowance shall be paid.

regiment, battalion, or corps in which her husband shall serve, or shall leave her child or children, if any, or depart from her home, unless under certificate of any neighbouring justice of the peace, or the overseer or overseers of the parish in which such relief shall be given, authorizing such departure for a time specified therein for the purposes of harvest, or obtaining by work a better support for her family, or unless for the purpose of going to reside, and residing in the parish, tything, or place, for which her husband shall serve, in case at the time of her husband being called out into actual service, she shall be residing in any other parish, tything, or place.

V. Provided also, and be it further enacted, That no allowance under this act shall be ordered or paid to the family of any substitute, hired man, or volunteer, who shall at the time of his enrolment have fraudulently and falsely represented and declared that he had no wife or family, or to any substitute, hired man, or volunteer, having more than one child at the time of his enrolment, who shall have fraudulently and falsely represented and declared at the time of such enrolment that he had only one child: Provided always, that where the substitute, hired man, or volunteer, to whom any such family shall belong, shall undertake and make provision for the maintenance of his other children, to the satisfaction of any justice of the peace to whom any application shall be made under this act for the relief of such family, it shall be lawful for such justice to order the allowance under this act to be paid in respect of the wife of such substitute, hired man, or volunteer, and of one child of such family under the age of ten years.

Family of any non-commissioned officer or drummer reduced to a private man for misconduct, not to receive such allowance;

VI. Provided also, and be it further enacted, That no allowance under this act shall be paid to the family of any non-commissioned officer or drummer, reduced for misconduct to the condition of a private man, such reduction being certified by the commanding officer or adjutant to the clerk of the general meetings, and by him to the treasurer of the county, riding, or place, in the militia of which such non-commissioned officer or drummer shall serve, and by such treasurer to the overseers of the poor of the parish, tything, or township in which such family shall dwell, and every such allowance shall cease and determine from the time of such reduction being so certified to the overseers as aforesaid, and

and be no longer payable, notwithstanding any order of any justice to the contrary; and every such family requiring relief, shall, from and after that time, be relieved as casual poor only.

nor the family of any substitute, &c. who shall marry after being called out into actual service, without the consent of the commanding officer.

VII. Provided always, and be it further enacted, That, from and after the passing of this act, no allowance under this act shall be given, or ordered to be given, to the family of any substitute, hired man, or volunteer, who shall marry after and during the time of his being called out into actual service, unless such marriage shall have taken place with the consent of the colonel or commanding officer of the regiment, battalion, or corps, to which such militia man shall belong, and such consent shall have been certified under the hand of such colonel or other commanding officer.

Families not to be sent to any workhouse for receiving such allowances, &c.

VIII. Provided always, and be it further enacted, That the families of non-commissioned officers, drummers, or balloted men, or of substitutes, hired men, or volunteers, shall not be removeable, or sent to any workhouse or poor house by reason of receiving any such allowances; nor shall any persons to whose families any such allowances shall be paid, be thereby deprived of their legal settlements elsewhere, or of their right of voting for the election of members to serve in parliament.

Allowances to non-commissioned officers and drummers, to be repaid theoverseers of the poor by the county treasurer.

IX. And be it further enacted, That every such weekly allowance to be paid under this act, to the family of any non-commissioned officer or drummer, shall be repaid to the overseer or overseers of the poor of the parish, tything, or township, in which such family was relieved, by the treasurer of the county, riding, or place, in which such parish, tything, or township is situated, out of the publick stock thereof; and every weekly allowance which shall be so paid to the family of any non-commissioned officer or drummer, in any other county, riding, or place, than that for which such non-commissioned officer or drummer shall serve, or to the family of any private man in any other parish, tything, or township, than the one for which such private militia man shall serve, shall respectively be reimbursed in the manner hereinafter mentioned.

Relief to families of non-commissioned officers and drummers to

X. Provided always, and be it further enacted, That in all cases where a certain number of private militia men are directed to be raised for any county, together with or including any city, borough, town, or place in *England*, being

be apportioned between counties at large and places not contributing to the county rates.

a county or district of itself, not contributing to the general county rate, the several sums of money raised for the relief of the families of non-commissioned officers and drummers respectively, shall be divided and apportioned between and borne by such county, and such city, borough, town, or place, being a county or district of itself, or not contributing to the general county rate, in such proportions as the respective numbers of militia men, apportioned to be raised in and by such county, and by such city, borough, town, and place respectively, bear to each other.

Treasurers to pay such proportions to one another.

XI. And be it further enacted, That the treasurers of any such county, city, borough, town, and place respectively, are hereby authorized and required to demand, receive, and make payment of such proportions and sums of money, the one to the other of them, as the case may require.

Disputes as to proportions to be settled by the lord lieutenant or three deputy lieutenants.

XII. And be it further enacted, That if any dispute or disagreement shall arise as to the proportions so to be paid as aforesaid, or any other matter or thing relating thereto, or to such payments, the lord lieutenant of the said county at large, and in his absence the deputy lieutenants, or any three or more of them, at any meeting called, or to be called, may and shall, and he and they is and are hereby empowered and required, to adjust and settle the same, whose decision therein shall be final; and the said lord lieutenant and deputy lieutenants, or any three or more of them, is and are respectively hereby authorized and empowered to call for, require, and inspect the account and accounts of every such treasurer, for the purpose of adjusting and settling their said proportion.

In places not contributing to the county rate, where no treasurer is appointed, the quarter sessions shall appoint one.

XIII. And be it further enacted, That in all cities, towns, liberties, divisions, and places, which do not contribute to the general county rates, and where no treasurer is yet appointed, the justices of the peace for every such city, town, liberty, division, and place, in case there are any, and if not, then the justices of the county, wherein such city, town, liberty, division, and place shall be, shall and may, and they are hereby required, at their general quarter sessions, to appoint a treasurer, and from time to time to assess upon every parish, tything, township, hamlet, and vill, within the liberties of such cities, towns, liberties, divisions, and places, in such proportions as the rates heretofore made for the relief of the poor have usually been assessed, and shall cause

cause to be paid, out of the money collected and levied for the relief of the poor of every such parish, tything, township, hamlet, and vill, into the hands of such treasurer, such sum and sums of money, as are, shall, and may be, in their discretion, necessary for the purposes of this act; and such treasurer shall pay and dispose of the same accordingly, and shall be and act in all respects, in respect to the provisions of this act, the same as the treasurer or treasurers of peculiar districts where a publick stock is now raised.

Overseers advancing money to be reimbursed.

XIV. And be it further enacted, That in every case in which any allowance under this act shall be paid to the family of any private militia man in any other parish, tything, or township, than that for which such private militia man shall serve, it shall be lawful for the justice of the peace, who shall make any order for the relief of such family, to certify the same under his hand, and in such certificate to direct the overseers of the parish, tything, or township, for which such private militia man shall serve, to reimburse the money so paid to the overseer or overseers who shall have advanced the same in pursuance of the order before mentioned.

Treasurer of the place where the allowances were paid, to be answerable,

XV. Provided always, and be it further enacted, That where, by reason of the distance of any parish, tything, or township, in which any allowance under this act shall be so paid to the family of any private militia man serving for any other parish, tything, or township, from such other parish, tything, or township, where the same shall be situate in any other county, riding, division, or place, the overseer or overseers of the poor entitled to the repayment of such allowances, under any such order and certificate as aforesaid, cannot conveniently procure the repayment thereof from the overseers of the poor of the parish, tything, or township, for which such private militia man shall have served or be serving, it shall be lawful for such overseer or overseers to demand repayment of such allowances from the treasurer of the county, riding, or division in which the parish, tything, or township, where such allowances shall have been paid, shall be situate; and every such treasurer shall, upon production of such order and certificate as aforesaid, forthwith reimburse such allowances to the overseer or overseers demanding the same.

who may recover payment of the

XVI. Provided always, and be it further enacted, That every such treasurer as aforesaid, who shall reimburse to any

treasurer of the place for which the man shall serve.

any such overseer or overseers as aforesaid, any sum or sums of money in pursuance of this act, on account of any such weekly allowance paid to the family of any non-commissioned officer or drummer, or any private militia man serving in the militia of any other county, riding, or division, shall deliver or transmit an account of such money as he shall have so reimbursed as aforesaid, signed by one or more justice or justices of the peace for the county, riding, city, town, liberty, division, or place where such family shall dwell, to the treasurer of the county, riding, city, town, liberty, division, or place in the militia whereof such non-commissioned officer, drummer, or private militia man shall serve, and thereupon the treasurer to whom such account shall have been delivered or transmitted as aforesaid, shall and he is hereby required forthwith to pay to the treasurer, who shall have so delivered or transmitted such account, the sum or sums so by him reimbursed to such overseer or overseers, and shall be allowed the same in his accounts.

Quarter sessions to order the money to be repaid out of the poor rates.

XVII. And be it further enacted, That every treasurer who shall repay to any treasurer of any other county, riding, or division, any such allowances as aforesaid, on any such signed account as aforesaid, shall transmit such signed account, and also an account of all monies so repaid by him in pursuance thereof, to the justices of the peace for the county, riding, or division, at the next or general quarter sessions of the peace, or any subsequent sessions; which accounts so received shall be allowed by the justices at such sessions, who shall forthwith, as to all allowances so repaid in respect of the families of any private militia men, make orders for the overseers of the poor of the respective parishes, tythings, or townships for which such private militia man shall respectively serve, or have served, to pay the same to the treasurer of such county, riding, or place, out of the poor rates of such respective parishes, tythings, or townships, within fourteen days next after the receipt of such orders respectively.

In Exeter, the allowances shall be paid by the treasurer of the corporation of the poor.

XVIII. Provided always, and be it further enacted, That, within the city and county of the city of *Exeter*, all allowances to be made by virtue of this act to the families of persons serving in the militia, shall be paid by the treasurer or treasurers of the corporation of the governor, deputy governor,

governor, assistants, and guardians of the poor of the city and county of *Exeter*, and that the same shall be ascertained, assessed, raised, collected, and levied by such and the same ways and means as the money raised for the relief of the poor within the said city and county is, by virtue of the several acts of parliament now in force for the relief of the poor within the said city and county, or any or either of them directed to be raised; and it shall be lawful for the several persons authorized to put the said acts in execution, to cause to be raised and levied such sum or sums as shall be necessary for that purpose, over and above what they are already authorized to raise for the relief of the poor of the said city and county; and all and every person and persons who are by the said acts, or either of them, required to do any act, matter, or thing, for the ascertaining, assessing, confirming, or altering of assessments, collecting and levying the sums thereby directed to be raised for the relief of the poor, are hereby required and authorized to do all such and the like acts, matters, and things, for the ascertaining, assessing, confirming, or altering assessments, collecting and levying the money hereby directed to be raised, and shall be subject to all such forfeitures and penalties, in case of their neglect or refusal to perform the same, as are imposed for offences of the like nature by the above-mentioned acts, or either of them, and also in the same manner, and by the same ways and means, to raise and levy, or cause to be raised and levied, such further sum and sums of money as shall have been advanced and paid by the treasurer of the corporation of the poor for the maintenance of such wives and families, and shall cause the same to be repaid to the treasurer of the said corporation.

Monies to be raised in Bristol by parish rates, in relation to this act, shall be raised as the poor rates, &c.

XIX. Provided also, and be it further enacted, That all monies to be levied by parish rates to be made within the city and county of the city of *Bristol*, in relation to this act, shall be paid, ascertained, assessed, raised, collected, levied, and repaid in such manner and by such and the same ways and means as are prescribed to be observed in raising money for the relief of the poor within the said city and county of the city of *Bristol*, by virtue of an act or acts of parliament relating thereto; and that it shall be lawful for the several persons authorized to put the said acts in execution, to cause to be raised and levied such sum or sums over

over and above what they are already authorized to raise for the relief of the poor of the said city and county, and also in the same manner, and by the same ways and means, to raise and levy, or cause to be raised and levied, such further sum and sums of money as shall have been advanced and paid by the treasurer of the corporation of the poor, and shall cause the same to be repaid to the treasurer of the said corporation; and that all and every person and persons who are by the said acts, any or either of them, required to do any act, matter, or thing, for the ascertaining, assessing, confirming, or altering of assessments, collecting and levying the sums thereby directed to be raised for the relief of the poor, are hereby required and authorized to do all such and the like acts, matters, and things, for the ascertaining, assessing, confirming, or altering assessments, collecting and levying the money hereby directed to be raised, and shall be subject to all such forfeitures and penalties, in case of their neglect or refusal to perform the same, as are imposed for offences of the like nature by the above-mentioned acts, or any or either of them.

In Plymouth, allowances shall be paid by the treasurer of the corporation of the poor.

XX. Provided also, and be it further enacted, That within the borough of *Plymouth*, all allowances to be made by virtue of this act, to the families of persons serving in the militia, shall be paid by the treasurer or treasurers of the corporation of the governor, deputy governor, assistants, and guardians of the poor of the said borough of *Plymouth;* and that the same shall be ascertained, assessed, raised, collected, and levied by such and the same ways and means as the money raised for the relief of the poor within the said borough is, by virtue of the several acts of parliament now in force for the relief of the poor within the said borough, or any or either of them, directed to be raised; and it shall be lawful for the several persons authorized to put the said acts in execution, to cause to be raised and levied such sum or sums as shall be necessary for that purpose, over and above what they are already authorized to raise for the relief of the poor of the said borough; and all and every person and persons who are by the said acts or either of them, required to do any act, matter, or thing, for the ascertaining, assessing, confirming, or altering of assessments, collecting and levying the sums thereby directed to be raised for the relief of the poor, are hereby required and authorized to

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do all such and the like acts, matters, and things for the ascertaining, assessing, confirming, or altering assessments, collecting and levying the money hereby directed to be raised, and shall be subject to all such forfeitures and penalties, in case of their neglect or refusal to perform the same, as are imposed for offences of the like nature by the abovementioned acts or either of them; and also in the same manner and by the same ways and means to raise and levy, or cause to be raised and levied, such further sum and sums of money as shall have been advanced and paid by the treasurer of the corporation of the poor, for the maintenance of such wives and families, and shall cause the same to be repaid to the treasurer of the said corporation.

Accounts of allowances shall be made up, signed by the justices, and demanded of the overseers, &c. within certain periods.

XXI. Provided always, and be it further enacted, That accounts of all allowances paid under this act, in respect whereof any reimbursement shall be directed by this act, shall be made up at the end of every successive six months, or shorter period, from the time of the first commencing the payment thereof, and shall be signed by the justices granting certificates for the reimbursement thereof, or by some other justices of the same county, riding, division, or place, within one month after the respective periods up to which such accounts shall be made up, and the money due on such account shall, as soon as the same can be done, be demanded of the overseers of the poor of the parish, township, or place, or treasurers, required to make such reimbursement as aforesaid; and no such sum of money shall be demanded or demandable, unless the same shall have been so first certified within one month as aforesaid, and delivered to the overseer of the parish, township, or place, or treasurer, by whom such reimbursement is to be paid, within three months after such certifying thereof as aforesaid.

Wheremore than a wife and three children shall become chargeable, the overseers may provide another man to serve in room of the father.

XXII. And be it further enacted, That in every case in which the family of any private man serving in the militia of any county, riding, or place in *England*, when called out and embodied for actual service, shall become chargeable in respect of any greater number than the wife and three children respectively under the ages of ten years, it shall be lawful for the overseers of the poor of the parish, tything, township, or place for which such man shall serve, or in which the family of such man shall reside, to provide another fit and able man between the ages of eighteen years and

and thirty-five years, and having no wife or any child under the age of ten years, to serve in the stead of the man having such family as aforesaid; and the colonel or commanding officer of the regiment, battalion, or corps to which such men shall belong, upon such other man being duly examined, approved of, and enrolled as a fit and able man, and joining at the head quarters of the said regiment, battalion, or corps, may and shall discharge or cause to be discharged the man in whose stead such other person shall be so produced, approved, and enrolled as aforesaid: Provided always, that the pay of every such person so provided as aforesaid, shall commence and be drawn only from the day of the discharge of the man in whose stead he shall have been provided, and not before; any thing in any act contained to the contrary notwithstanding: Provided also, that no such private militia man shall be discharged at any other period of the year, than between the first day of *November* and the twenty-fifth day of *March*.

Payments made by overseers shall be allowed as other expences on account of the militia.

XXIII. And be it further enacted, That all payments made by any overseer or overseers in pursuance of any order or certificate of any justice or justices of the peace under this act, shall be allowed and passed in their respective accounts, in like manner as other expences incurred on account of the militia, are now by law passed and allowed: and if any overseer of the poor shall, on demand made in pursuance of any order or certificate of any justice or justices of the peace for the payment of any sum of money by virtue of this act, and production of such order or certificate to him, refuse or neglect to pay and satisfy the sum or sums of money directed to be paid in or by such order or certificate, every such overseer of the poor so refusing or neglecting to make such payment, shall, for every such neglect, forfeit the sum of five pounds, to be recovered upon the oath of one or more credible witness or witnesses, or by the confession of the party accused, before the justice making such order, or any other justice of the peace for the county, riding, division, city, or place, where the offence shall be committed; which said justice is hereby authorized and required, upon any information exhibited, or complaint made in that behalf, to summon the party accused, and to examine into the matter of fact, and upon due proof thereof as aforesaid to give judgment for such penalty, to be levied by

by distress and sale of the offender's goods and chattels, in case the same shall not be forthwith paid, by warrant under the hand and seal of such justice, causing the overplus (if any), after deducting the charges of such distress and sale, to be rendered to the party; and the penalty so adjudged shall be paid, one moiety thereof to the party who shall inform for the same, and the other moiety thereof to the poor of the parish, to the overseers of which any such sum of money ought to have been paid.

Application of penalty.

XXIV. And be it further enacted, That all the provisions in this act contained, relating to the allowances to the families of any persons serving in the militia for any parish, tything, or township, or any united parishes, tythings, or townships, and for the reimbursement of all sums of money which shall be advanced under any of the provisions of this act, shall extend to all hamlets, vills, and places having separate overseers of the poor, and maintaining the poor thereof separately and distinctly, and also to all parishes, tythings, townships, and places united for the purposes of balloting for militia men, as well as to all other parishes, tythings, and places; and the justices of the peace, who shall make orders for the relief of any such families, or any other justice of the same county, riding, division, or place, shall give directions for the reimbursement of money to be advanced for such purpose by the overseers of the poor of the parish, tything, township, or place, or united parishes, tythings, townships, or places respectively, which ought to reimburse the same, or to contribute to the reimbursement thereof; and the treasurers of the several counties, ridings, divisions, and places, and the justices of the peace of the several counties, ridings, divisions, and places within which all and every such parishes, tythings, townships, and places respectively shall be, shall make reimbursement and direct reimbursement to be made by such several parishes, tythings, townships, and places respectively, in the same manner as by this act is provided with respect to parishes, tythings, and townships therein described, so that in allcas es whatsoever such reimbursement may be fully made according to the true intent and meaning of this act; and where any man shall serve for any united parishes or places, or for any parish or place comprizing more than one township or place, which shall have separate and distinct overseers of the poor, all and every such justices as aforesaid shall ascertain in what

Act shall extend to all places having separate overseers, and to places united for the purpose of balloting for men.

Justices shall ascertain what proportions shall be contributed by united places.

proportions such united parishes or places, or such several townships or places comprized within the same parish or place for which any such man, whose family shall be so relieved, shall serve, ought to contribute to such relief, such proportions to be ascertained according to the numbers of men liable to be balloted for the militia, which each of such united parishes or places, or each of such townships or places, as the case may be, shall appear to have had by the last returns made for that purpose, and such justices shall make orders for the reimbursement of such advances as aforesaid, in such several proportions so to be ascertained, and from time to time as occasion shall require; and in order to enable such justices to ascertain such proportions, the clerks of the several subdivision meetings shall, when thereunto required, certify by writing under their hands, the number of men so liable to be balloted for, according to the returns made for each of such parishes, townships, or places, for which certificate there shall be paid a fee of one shilling and no more.

Monthly returns to be made to the clerks of the subdivision meetings of certain particulars, who shall transmit extracts to the overseers of the poor.

XXV. And be it further enacted, That the adjutant of every regiment, battalion, or corps of militia, or where there shall be no adjutant, the serjeant major thereof, shall, within seven days after the twenty-fourth day of every month, during the time of the militia to which he shall belong remaining embodied or in actual service, return to the respective clerks of the subdivision meetings of the county, riding, or place to which such regiment, battalion, or corps shall belong, a particular list of all promotions and vacancies, and all deaths, desertions, and other casualties that shall have occurred among the private militia men serving for the several and respective subdivisions of the county, riding, or place to which such regiment, battalion, or corps, shall belong, in the calendar month preceding each such twenty-fourth day as aforesaid; and shall specify the christian and surname of each man so returned, and whether balloted man, substitute, hired man, or volunteer, and the parish, tything, or place, for which he was serving; and such respective clerks of the subdivision meetings shall, within fourteen days after the receipt of such return, transmit proper extracts thereof to the respective overseers of the poor of the respective parishes, tythings, or places for which any such man shall have been serving.

XXVI. And

XXVI. And be it further enacted, That if any person shall find himself aggrieved by any order of any justice or justices of the peace, for the payment of any such sum of money as aforesaid, it shall and may be lawful for such person to appeal to the justices of the peace at the next general or quarter sessions of the peace for the same county, riding, division, city, or place, when any demand in pursuance of such order shall be made as aforesaid, who are hereby empowered to hear and finally determine the same; and it shall be lawful for the said justices, at such sessions, to award and order, where they shall see occasion, the payment of such sum and sums of money which such appellant, as churchwarden or overseer of the poor, ought to have paid in pursuance of such order made by virtue of this act, and hath neglected to pay in manner aforesaid.

Appeal to the quarter sessions.

XXVII. And be it further enacted, That it shall be lawful for the justices of the peace, at any general quarter sessions of the peace to be held for each respective county, riding, city, town, division, and place in *England*, to order and direct such recompence and satisfaction, as they shall think just and reasonable, to be made and given to the respective treasurers for their extraordinary trouble, labour, and expences in the execution of their respective offices, while the militia is embodied and in actual service, for such time and in such manner as they shall think proper, to be paid or allowed out of the publick stock or treasure of every such county, riding, town, division, and place respectively.

Quarter sessions may order recompence to the treasurers out of the county stock.

XXVIII. And be it further enacted, That this act may be altered, varied, or repealed, by any act or acts to be passed in this session of parliament.

Act may be altered or repealed this session.

[43 Geo. III. Cap. 61.]

An Act for the Relief of Soldiers, Sailors, and Marines, and of the Wives of Soldiers, in the Cases therein mentioned, so far as relates to England.

[24*th* June 1803.]

"WHEREAS soldiers and marines, and sailors, or persons discharged from being such, having occasion to

return to their respective homes or places of legal settlement in *England*, which are frequently at a considerable distance, are under the necessity of soliciting alms for their relief: And whereas, by such soliciting they have been, by and under an act of the thirty-second year of His present Majesty, intituled, *An act to explain and amend an act, made in the seventeenth year of the reign of His late Majesty King* George *the Second, intituled,* '*An act to amend and make more effectual* '*the laws relating to rogues, vagabonds, and other idle and* '*disorderly persons, and to houses of correction,*' deemed rogues and vagabonds, within the meaning of the said act, of the seventeenth year of His late Majesty King *George* the Second, and liable to be punished accordingly:" For remedy thereof, may it please Your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every soldier or marine duly discharged out of any regiment, and every sailor duly discharged out of any ship or vessel belonging to His Majesty's navy, carrying his discharge by the third day at the latest from the date thereof, to the mayor or chief magistrate of the city, town, port, or corporate place, nearest to or within fifteen miles from the place where he shall have received his discharge, shall receive from such mayor or chief magistrate a certificate under his hand, stating the place to which the person so discharged is desirous of going, being his home or place of legal settlement, together with the time to be fixed, not exceeding ten days for every one hundred miles, and so in proportion, except for a reasonable cause to be expressed in such certificate; and such person having and producing to such persons as shall lawfully demand to see the same such discharge and such certificate as aforesaid, and being in his rout accordingly, both as to time and road, shall not by reason of asking relief be deemed to be a rogue or vagabond within the meaning of the said acts or either of them: Provided always, that every such discharge shall bear the true date, both as to the time when and the place where it was given, and shall express the sum or sums, if any, which were paid to such soldier or sailor at such time and place.

32 G. III. c. 45.

Every soldier, marine, or sailor, on carrying his discharge within three days to the nearest chief magistrate, shall receive a certificate of his place of settlement on producing of which being in his route, he shall not, for asking relief, be deemed a vagabond.

"II. And whereas it frequently happens that where regiments are ordered upon foreign service, the wives of non-commissioned officers and soldiers being with their husbands, are not permitted to embark, and having thereupon the like occasion to return to their homes or places of legal settlement, are under the like necessity of soliciting alms, and it is expedient that they also should be declared free and exempt from the fines and penalties of the said acts;" Be it further enacted that the wife of any non-commissioned officer or soldier ordered for foreign service, making due proof of her not being permitted to embark with her husband, before the mayor or chief magistrate of the city, town, port, or corporate place, nearest to or within fifteen miles from the place at which the regiment to which the said non-commissioned officer or soldier belongs is ordered to embark, or of any other city, town, port, or corporate place, at which the said regiment shall happen to be on its march under orders for embarkation, shall receive from such mayor or chief magistrate a certificate under his hand, and the corporate seal of such city, town, port, or place, stating the place to which she is desirous of going, being her home, or place of legal settlement, together with the time to be fixed, not exceeding ten days for every one hundred miles, and so in proportion, except for a reasonable cause to be expressed in such certificate; and such person having and producing to such person as shall lawfully demand the same, such certificate, and being in her rout accordingly both as to time and road, shall not, by reason of asking relief, be deemed to be a rogue or vagabond within the meaning of the said acts or either of them.

Wives of non-commissioned officers or soldiers, on making proof of not being permitted to embark with their husbands, shall receive from the nearest chief magistrate a like certificate of their place of settlement, which will entitle them to ask relief while in their route, &c.

III. And be it further enacted by the authority aforesaid, That in case of accident or sickness duly proved, which shall prevent the person having such certificate from proceeding on his or her journey, according to the terms prescribed therein, it shall and may be lawful to and for the chief magistrate of any other city, town, port, or corporate place where such person shall be, or shall arrive, to grant a new certificate, stating therein the true reasons for granting the same, and containing the like provisions as are hereinbefore described, and annex the same to the former certificate.

New certificate to be affixed to the former in case of delay from accident or sickness.

IV. And be it further enacted, That certificates or passes granted as heretofore from the office of admiralty or war office to discharged sailors, soldiers, or marines, or to the families

Certificate from the admiralty or war office

todischarged men, &c. shall have the same effect as heretofore.

of sailors, soldiers, or marines, serving abroad, or lately deceased, to carry them to their respective homes, shall have the same effect and force to all intents and purposes whatever as the certificates herein permitted to be given by the magistrate as aforesaid; and that the terms of the same may be extended in each instance which shall appear to require it by a new certificate from another magistrate, in manner hereinbefore mentioned.

[43 Geo. III. Cap. 110.]

An Act to explain and amend an Act, made in the last Session of Parliament, intituled, An Act to amend an Act, made in the Twenty-second Year of the Reign of His present Majesty, for the better Relief and Employment of the Poor, so far as relates to the Payment of the Debts incurred for building any Poor House.

[27*th* July 1803.]

22 Geo. III. c. 83.

"WHEREAS by an act made in the twenty-second year of the reign of His present Majesty, intituled, *An act for the better relief and employment of the poor*, it was among other things enacted, that in case any money should be borrowed under the powers of the said act, for the building any poor-house or workhouse, or purchasing any land necessary to be used for that purpose, the assessments for the relief of the poor should continue at the same rate they where when such poor-house or workhouse was first established, until the debts so contracted, and the interest thereof, should be fully discharged: And whereas by an act, made in the forty-second year of the reign of His present Majesty, intituled, *An act to amend an act, made in the twenty-second year of the reign of His present Majesty, for the better relief and employment of the poor, so far as relates to the payment of the debts incurred for building any poor-house*, it was enacted, that the guardians of the poor of any parish who had erected any poor-house or workhouse, under the powers of the said therein recited act, should, with the consent of the several persons to whom the same should be due and payable, yearly and every year, pay off and discharge any part of the money borrowed under the

42 Geo. III. c. 74.

the powers of the said recited act of the twenty-second year of the reign of His present Majesty, not being less than one-twentieth part thereof, besides the interest which might be payable on the sum remaining undischarged: and in case such sum to be paid off should not in any one year be sufficient to discharge any one of the notes for fifty pounds issued pursuant to the directions of the said recited act, for securing the money borrowed under the authority thereof, the same should from time to time remain in the hands of the overseers of the poor of such parish until it amounted to a sufficient sum to pay off and discharge any of the said notes: And whereas doubts are entertained whether the said recited act of the forty-second year of His present Majesty's reign has effectually relieved such parishes as have adopted the provision in the said act of the twenty-second year of His present Majesty's reign from the burthensome effects thereof;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual, and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said recited act, of the twenty-second year of His present Majesty's reign, as requires that the assessments for the relief of the poor shall continue at the same rate as they were when any poor-house or workhouse was first established under the authority of the said recited act, until the debt contracted, and the interest thereof, should be fully discharged, shall be, and the same is hereby repealed.

So much of 22 Geo. III. c. 83. as requires that the assessments shall continue at the same rate as they were when any workhouse was established, until the debt should be discharged, shall be repealed.

II. And be it enacted, That such assessments shall and may from time to time be diminished to such amount as shall be deemed proper and necessary: Provided always, that the guardians of the poor, for the time being, of every such parish, shall yearly and every year, pay off or provide for a twentieth part at least of any monies which shall have been borrowed for the purpose aforesaid, under the powers of the said act of the twenty-second year of His present Majesty's reign, and also shall duly keep down the interest of all monies which shall be so borrowed; any thing in the said recited acts of the twenty-second and forty-second years of His present Majesty's reign, or either of them, contained to the contrary notwithstanding.

Assessments may be diminished. Guardians of the poor shall pay off a twentieth part of the borrowed money under 22 Geo. III. c. 83.

[43 Geo. III. Cap. 141.]

An Act to render Justices of the Peace more safe in the Execution of their Duty. [11*th* August 1803.]

"WHEREAS it is expedient that justices of the peace in *Great Britain* and *Ireland* respectively, who, by virtue of divers acts of parliament in force in the United Kingdom, are authorized and required to convict persons of sundry offences in a summary way, should be rendered more safe in the execution of such their duty;" Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in all actions whatsoever which shall, at any time after the passing of this act, be brought against any justice or justices of the peace in the United Kingdom of *Great Britain* and *Ireland*, for or on account of any conviction by him or them had or made, under or by virtue of any act or acts of parliament in force in the said United Kingdom; or for or by reason of any act, matter, or thing whatsoever, done or commanded to be done by such justice or justices, for the levying of any penalty, apprehending any party, or for or about the carrying of any such conviction into effect; in case such conviction shall have been quashed, the plaintiff or plaintiffs in such action or actions, besides the value and amount of the penalty or penalties which may have been levied upon the said plaintiff or plaintiffs, in case any levy thereof shall have been made, shall not be entitled to recover any more or greater damages than the sum of twopence, nor any costs of suit whatsoever, unless it shall be expressly alleged in the declaration in the action wherein the recovery shall be had, and which shall be in an action upon the case only, that such acts were done maliciously and without any reasonable and probable cause.

In actions brought against justices on account of conviction, &c. the plaintiff, beside any penalty that may be levied upon him, shall be entitled only to 2d. damages, unless alleged in the declaration the thing was maliciously done.

II. And be it further enacted, That such plaintiff shall not be entitled to recover against such justice any penalty which shall have been levied, nor any damages or costs whatsoever, in case such justice shall prove at the trial that such plaintiff was guilty of the offence whereof he had been con-

Plaintiff not entitled to recover if proved that the offence was committed.

convicted, or on account of which he had been apprehended, or had otherwise suffered, and that he had undergone no greater punishment than was assigned by law to such offence.

[45 Geo. III. Cap. 54.]

An Act to amend an Act, made in the Ninth Year of King George *the First, for amending the Laws relating to the Settlement, Employment, and Relief of the Poor, so far as the same respects Contracts to be entered into for the Maintenance and Employment of the Poor.* [27*th* June 1805.]

"WHEREAS by an act of parliament, passed in the ninth year of the reign of His late Majesty King *George* the First, intituled, *An act for the amendment of the laws relating to the settlement, employment, and relief of the poor,* churchwardens and overseers of the poor, with the consent of the major part of the parishioners or inhabitants, are authorized, in the manner therein mentioned, to purchase or hire a house or houses, and to contract with any person or persons for the lodging, keeping, maintaining, and employing of the poor, and for taking the benefit of their work, labour, and service, for their better maintenance and relief; and where any parish, town, or township should be found too small, in such case to unite two or more such parishes, towns, or townships, for those purposes, with the consent of the major part of the parishioners or inhabitants, and with the approbation of a justice of the peace: and whereas great inconvenience has arisen from contracts for the lodging, maintenance, and employment of the poor of parishes, having been entered into pursuant to the said act, with persons not being resident within such parishes respectively, nor of sufficient responsibility to ensure the faithful performance of such contract:" Be it therefore enacted by the King's most excellent 9 G. I. c. 7.

 Majesty,

No contract to be valid, unless the person with whom the same is made shall be resident in the parish in which the poor shall be maintained;

Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, no contract to be entered into and made by the churchwardens and overseers of the poor of any parish, with any person or persons, for the lodging, keeping, maintaining, or employing of the poor of such parish or parishes where two or more are united, and for taking the benefit of their work, labour, and service, for their better maintenance and relief, by virtue or in pursuance of the said act of the ninth year of the reign of King *George* the First, or of any other law or statute whatsoever, shall be valid, binding, or effectual, unless the person or persons with whom the same shall be entered into respectively shall and during the continuance of such contract be resident within the parish so contracting, or within the particular parish in which such poor shall be lodged and maintained, or who, in the case where two or more parishes are united, shall be so resident as aforesaid in one of such parishes, or in the parish in which such poor shall be lodged and maintained; and unless one or more responsible householders, resident in such particular parish or in one of the said parishes, and to be approved of by the churchwardens or overseers of the poor of such parish or united parishes, as the case may be, shall, at or before the time of the signing such contract, by their joint and several bond, with a penalty in not less than the amount of one half of the assessment to the poors rate of such parish or united parishes for the year next but one preceding the year in which such contract shall be entered into, give security to the said churchwardens and overseers, as the case may be, for the true and faithful observance and performance of such contract on the part and behalf of the person or persons so to be contracted with as aforesaid; nor unless such contract shall be approved of and signed by two justices of the peace acting for such county, city, riding, or district, in which such parish or united parishes, or one of them, shall be situated.

Nor unless one or more respectable housekeepers shall be security on behalf of the contractor, for the due performance of the contract.

Contracts entered into otherwise than according to the regu-

II. And be it further enacted, That all such contracts as aforesaid, which shall be entered into otherwise than according to the regulations and restrictions hereinbefore contained, shall be absolutely null and void to all intents and

and purposes; and every such contract which shall be entered into conformably to the directions of this act, by any churchwardens and overseers of the poor of any parish, with any person or persons who shall remove from and cease to reside in the particular parish or in one of the united parishes wherein such poor shall be lodged and maintained, before the expiration of the whole term or time for which such contract shall be intended to have continuance, shall also from the time of such removal cease and determine: Provided always, that the removal of such person or persons as aforesaid shall not vacate the security entered into by any householder or householders as aforesaid, for the true observance and performance of the contract of such person or persons so having contracted and removing, but that the same shall continue in full force for the indemnification of the churchwardens and overseers of such parish or united parishes against any loss or expence incurred in consequence of such non-performance of such contract and of such removal: Provided always, that nothing in this act contained shall extend or be construed to extend to any parish, township, or place where the poor are maintained under any special act of parliament: Provided also, that nothing in this act contained shall extend or be construed to extend to make void any contract that shall have been entered into before the passing of this act with any person or persons for the lodging, keeping, maintaining, or employing of the poor of any parish, by virtue or in pursuance of the said act of the ninth year of King *George* the First aforesaid; any thing herein contained to the contrary notwithstanding.

lations herein contained shall be void.

Removal of contractor not to vacate the security.

Not to extend where poor are maintained under a special act.

Contracts entered into before passing this act not to be affected.

[48 Geo. III. Cap. 96.]

An Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals in England.

[23*d* June 1808.]

"WHEREAS the practice of confining such lunatics and other insane persons as are chargeable to their respective

respective parishes in gaols, houses of correction, poor-houses, and houses of industry, is highly dangerous and inconvenient: And whereas it is expedient that further provision should be made for the care and maintenance of such persons, and for the erecting proper houses for their reception, and also for erecting additional buildings adjoining or contiguous thereto for the reception of other lunatics: And whereas it is also expedient that further provision should be made for the custody of insane persons who shall commit criminal offences;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

Justices may give notice respecting the erecting lunatic asylums.

That it shall and may be lawful for the justices of the peace in and for every county within *England* and *Wales*, at their respective general quarter sessions of the peace, or any adjournment of the same, or the major part of such justices then and there assembled, to direct notice to be given in some public newspaper or newspapers circulated in or near such county, of their intention of taking into consideration, at their next general quarter or general annual sessions, the expediency and propriety of providing a lunatic asylum or house for the reception of lunatics and other insane persons within the said county, or of appointing a committee of magistrates to treat with any one or more of the adjacent counties to unite for that purpose.

Empowering justices to contract; and appoint visiting justices;

II. And be it further enacted, That the said justices of the peace, after such notice being given as aforesaid, shall at their next general quarter or general annual sessions proceed to take the same into consideration; and if it shall appear to the major part of the said justices being then and there assembled, such major part not being less in number than seven, that it is expedient that a lunatic asylum or house for the reception of lunatics and other insane persons should be erected in and for the said county sole, the said justices shall nominate and appoint such number of visiting justices as they may think fit to superintend the building, erection, and management of such lunatic asylum, and from time to time to report the state of their proceedings to the court of the general quarter sessions.

and also committee of justices.

III. And be it further enacted, That in all cases where it shall appear expedient to the justices of the peace in and for any

any county to unite with any one or more adjacent county or counties for the purposes of this act, and for the providing a lunatic asylum to serve for the said several counties, it shall and may be lawful for the said justices, at their respective general quarter sessions, (whereof due notice shall be given as aforesaid), to nominate and appoint any number of justices not exceeding five, to be a committee for treating with any adjacent county or counties for that purpose.

Agreement to be entered into, when counties shall be united.

IV. And be it further enacted, That where the committees of justices so appointed by any two or more counties, shall think fit to unite the said counties for the purposes of this act, and shall signify their inclination and desire so to do at a meeting holden for that purpose, an agreement shall at such meeting, or as soon as conveniently may be afterwards, be entered into by the said justices so appointed as aforesaid, or the major part of them, in the form or to the effect set forth in the schedule hereunto annexed (N° 1.); which agreement, when subscribed by the major part of the justices so nominated and appointed for each county, shall be binding upon the said counties; and every such agreement shall specify the place at or near which such lunatic asylum, shall be situate, and the proportions in which the expences necessary for the carrying into execution the purposes of this act shall be charged and assessed upon the several counties so uniting, which proportions shall be calculated by the said justices so appointed upon the numbers of the respective population of the said several counties, as stated in the returns to an act, passed in the forty-first year of His Majesty's reign, intituled, *An act for taking an account of the population of* Great Britain, *and of the increase and diminution thereof;* and the said agreement shall also specify the number of visiting justices to superintend the building, erection, and management of the said lunatic asylum to be appointed by each of the respective counties so uniting, which number shall be in proportion to the share of the expences so to be charged and assessed upon each of such respective counties, but so that a number less than three shall in no case be appointed for any county so united.

41 G.III. c. 15.

Agreement to be reported at quarter sessions.

V. And be it further enacted, That whensoever such agreement shall have been so entered into and signed as aforesaid, the justices so appointed to be a committee for each county so uniting shall respectively report the same to the justices of

of the peace at their next general quarter sessions to be holden for each of the said counties, and shall then and there deliver into court a duplicate of the said agreement, to be by the clerks of the peace of the said counties entered among the records; and that the said justices shall then and there immediately proceed to nominate such number of persons as by the said agreement they may be entitled to appoint to be visiting justices of the said asylum till the next *Michaelmas* general quarter sessions, and shall continue annually to appoint such number of visiting justices at each *Michaelmas* general quarter sessions.

Empowering visiting justices to contract.

VI. And be it further enacted, That the said visiting justices so nominated and appointed by such county sole or such united counties, are hereby authorized and required, within two calendar months after such nomination and appointment as aforesaid, to meet and assemble at such place as shall appear to them most convenient for that purpose (due notice thereof being previously given to such visiting justices by the clerk or clerks of the peace of such county or counties respectively), and that the said visiting justices may adjourn the said meeting from time to time or from place to place, and meet as often as they shall think necessary; and the said visiting justices or the major part of them are hereby authorized at their said meetings to appoint a clerk and a surveyor for duly exercising the powers of this act, and from time to time to receive plans and estimates, and contract for the purchase of lands and buildings, or for the alteration of any building already belonging to such county or any of such united counties, and for building, erecting, altering, furnishing, and completing such lunatic asylum, and the yards, courts, and outlets thereto belonging, and such contract or contracts shall be made and entered into at the most reasonable rates, and with the most responsible persons; and every such contractor shall give sufficient security for the due performance of his contract to the clerk to such visiting justices; and all contracts when made, and all orders relating thereto, shall be entered in a book to be kept by the clerk to such visiting justices, and when such asylum shall be declared to be completed in manner hereinafter directed, then such book shall be deposited and kept among the records of such county sole, or of such of the counties so united for the purposes of this act as shall have paid the largest quota or proportion

Clerk and surveyor to be appointed.

Contracts to be entered in a book.

portion of the expences of providing such asylum, to be inspected at all reasonable times by any persons contributing to the county rates of such county or counties respectively; and all buildings or land so to be contracted for and purchased, shall be conveyed to such person or persons as the visiting justices shall think fit, in trust for the uses and purposes of this act; and the said visiting justices shall from time to time make their report to the general quarter sessions of the peace of such county or counties respectively, of the several plans, estimates, and contracts which shall have been made and entered into in manner aforesaid, and also a report of the sum or sums of money necessary to be raised and levied on such county sole, as the expence, or on each of such united counties as the quota or proportion of the expence to be incurred on the several accounts as aforesaid.

How expences shall be defrayed.

VII. And, in order to defray the expences necessary for the execution of this act, be it further enacted, That the justices of the peace at their general quarter sessions may and shall cause such sums of money as shall have been from time to time reported to them to be necessary for that purpose by the visiting justices, to be raised in such manner as rates are directed to be raised by two acts made in the twelfth and thirteenth years of His late Majesty King *George* the Second, for the more easy assessing, collecting, and levying of county rates, or shall order and direct the same to be paid out of the ordinary rate of such county.

Empowering justices to mortgage the rates.

" VIII. And whereas the expences of carrying this act into execution may in some cases become very burthensome on the occupiers of land, and other the contributors to the county rates, in case the said expences should be raised in the manner hereinbefore mentioned;" Be it therefore enacted, That when it shall appear on the report of such visiting justices, that the charge and costs of carrying this act into execution will exceed one half of the amount of the ordinary annual assessment for the county rate for any county (such ordinary assessment to be taken on a mean proportion of the said rate for the last five years preceding), that then and in such case it shall and may be lawful for the justices of the peace within the respective limits of their commissions, so assembled in their quarter sessions as aforesaid, from time to time to borrow and take upon mortgage of the rates hereinmentioned, by instruments in the form contained in the schedule

dule hereunto annexed (N° 2.), or to that or the like effect, any sums not less than fifty pounds each, at legal or lower interest, as to them or the major part of them (such major part not being less than five) shall appear necessary and expedient for the purposes aforesaid, and to secure all and every such sum and sums of money so borrowed upon the credit of the rates to be raised upon such county respectively; and the said justices so assembled as aforesaid are hereby authorized to treat and agree with any person or persons for the loan of any such sum or sums of money, and by their order to confirm and establish every such agreement as aforesaid; and every such agreement so established by such order, and signed by the chairman and two or more justices present at the time of making such order, shall be and the same is hereby declared to be effectual for securing to the person or persons so advancing any sum or sums of money, his, her, or their executors, administrators, and assigns, all and every such sum or sums of money, with interest for the same, on such terms as in and by such agreement or agreements respectively shall be for that purpose stipulated: and the said securities shall be numbered in order of succession in which they shall be granted, and copies or extracts of all such agreements or securities shall be kept with the clerk of the peace or other proper officer having the custody of the records of the quarter sessions of such county respectively; and all and every person and persons to whom any such security or securities shall be made, or who shall be entitled to the money thereby secured, is and are hereby empowered (by indorsing his, her, or their name or names on the back of such security or securities) to transfer and assign the same, and his, her, or their right to the principal money and interest thereby secured, unto any person or persons; and every such assignee may in like manner transfer the same again and so *toties quoties;* and the person or persons to whom such security or securities, or any such assignment thereof shall be made, and his or their respective executors, administrators, and assigns, shall be creditors upon the said rates in an equal degree one with another, and shall not have any preference with respect to the priority of any monies so advanced.

For charging the rate to the amount therein specified.

IX. And be it further enacted, That the said justices are hereby authorized and required not only to charge the rates to be raised upon such county with the interest of the money

so

so borrowed on such securities, but also with the payment of a further sum equal at least with the sum so charged for the interest of such securities, which said sums shall be assessed on such county in such manner as county rates are directed to be assessed by the laws now in being, and paid and applied under the direction of the said justices in discharge of the interest and of so many of the principal sums, on the said securities as such money will extend to discharge in each year, until the whole of the money for which such securities shall be made, and the interest thereof, shall be fully paid and discharged; and the said justices are required to fix one or more day in each year, on which such payment shall be made, and shall make orders for assessments in due time, so as to provide for the regular payment thereof; and they are hereby required to appoint a proper person to keep an exact and regular account of all the receipts and payments under the authority of this act, in a book or books, separate and apart from all other accounts, and the same to adjust and settle in such manner that it may easily be seen what interest is growing due and what principal money has been discharged and what remains due, and the said book or books so adjusted and settled to deliver into court at every general annual or Michaelmas quarter sessions to be held for any such county; and the said justices are required at every such sessions, carefully to inspect all such accounts, and make orders for carrying the several purposes of this act into execution in such manner as to them shall seem meet; and if at any time it shall appear to the said justices that the person so appointed has neglected the said order, and has not duly and without delay applied the money in his hands to the purposes hereby directed, such person shall forfeit double the amount of the money which shall not have been applied to the purposes of this act, to be recovered by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the said penalty, after the charges of recovering the same, shall be paid to the treasurer of such asylum to be applied to the use of the same; and the said justices on a day and hour to be fixed at some general quarter or annual sessions of the peace, to be holden for such county,) of which fourteen days publick notice shall be given as aforesaid) shall in open court cause all the said several securities to be drawn by lot and numbered for payment according

Accounts to be kept of receipts and payments.

cording to the event of such drawing, and the securities so drawn and numbered shall be regularly discharged in succession according to priority of such drawn number.

Paying money within a limited time.

X. Provided always, and be it further enacted, That the justices of the peace in their respective quarter sessions shall and they are hereby required to make provisions by means of the rates (which they are hereby authorized to make), and by their orders and directions (which they are hereby authorized to give), in such manner that the whole money to be borrowed under the authority of this act shall be fully paid and discharged within a time to be limited, not exceeding fourteen years from the time of borrowing the same.

Bodies politic to convey lands.

XI. And be it further enacted, That it shall and may be lawful for the King's most excellent Majesty, his heirs and successors, and for all bodies politic and corporate, and also for all guardians, committees, husbands, trustees, and attornies of any person or persons being infants, lunatics, idiots, under coverture or any other disability, and also for all other persons who are or shall be seised, possessed of, or interested in any houses, buildings, lands, tenements, hereditaments, easements or privileges which shall be deemed necessary for the purposes of this act, to contract or agree for, and to sell, convey, and assure such houses, buildings, lands, tenements, hereditaments, easements, and privileges unto such person or persons as shall be named by the visiting justices, in trust and for the purpose of erecting or providing such lunatic asylum, and the yards, courts, and outlets thereunto belonging; and all such contracts, agreements, sales, conveyances, and assurances, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage, or custom to the contrary notwithstanding.

Money to be paid for the purchase of land.

XII. And be it further enacted, That all sums of money which shall be agreed to be paid to any corporation, guardian, committee, husband, trustee, or attorney, for or on behalf of any infants, lunatics, idiots, femes covert, or cestuique trusts, or to any other person or persons whose houses, buildings, lands, tenements, hereditaments, easements, and privileges, shall be limited in settlement, for the purchase of any such lands, tenements, and hereditaments, shall, in case such sums of money shall exceed the sum of one hundred pounds, be laid out by such corporations, guardians, committees, husbands, trustees, or attornies, or any person or persons seised

seised of such houses, buildings, lands, tenements, hereditaments, easements, or privileges, so limited in settlement as soon as conveniently may be, in the purchase of lands, tenements, and hereditaments in fee simple, to be conveyed to or to the use of such corporations, guardians, committees, husbands, trustees or attornies, and to and for such person or persons, and for such estate and estates and to, for, and upon, and subject to such uses, limitations, remainders, and contingencies as the houses, buildings, lands, tenements, hereditaments, easements or privileges for and in respect whereof such purchase money shall be paid as aforesaid shall be limited, settled, and assured, at the time such purchase or contract shall be made in manner aforesaid, or such as shall then be capable of taking effect, the charges of such conveyances and settlements, to be paid in the same manner as the other expences relating to the lunatic asylum; and in the mean time, and till such purchase or purchases shall be made, such money, whether the same shall or shall not exceed the sum of one hundred pounds, shall be laid out by such corporations, or other persons for the time being interested therein, in some government securities in the names of two persons, one to be nominated by the party or parties for the time being interested therein, and the other by the visiting justices aforesaid; and the interest arising from such securities shall be paid to such person or persons respectively as would have been entitled to the rents and profits of such lands, tenements, hereditaments, easements, and privileges, in case the same had not been sold, or would for the time being be entitled to the rents and profits of such lands, tenements, and hereditaments so to be purchased, in case the same were purchased and settled as aforesaid.

Justices not to be concerned in contracts.

XIII. Provided always, and be it further enacted, That no justice of the peace, who shall under the authority of this act do any matter or thing in the execution hereof, shall be capable of having any beneficial interest or concern whatsoever either in his own name or in the name of any other person in trust for him, in any contract or agreement to be made under the authority of this act, or shall for any design or plan he may deliver or produce, receive any benefit or emolument whatsoever.

Empowering persons to dig for materials.

XIV. And be it further enacted, That the said visiting justices, or any five or more of them shall and may and they

are hereby authorized to empower their agents or workmen to dig, take and carry away any soil, clay, sand, gravel, or stone, and to manufacture the same for the purpose of building, carrying on, finishing, and completing such lunatic asylum, or other buildings hereby directed to be built, out of, upon, or from any common or waste land, river, or brook, without paying any thing for the same; they causing all pits or quarries made by such digging and taking to be filled up, or railed and fenced so as not to be dangerous to passengers or cattle.

Justices may sue in the name of their clerk.

XV. And be it further enacted, That the said visiting justices may sue and be sued in the name of their clerk, and that no action that may be brought or commenced by or against the said visiting justices, or any of them, by virtue of this act, in the name of their clerk, shall abate or be discontinued by the death or removal of such clerk, or by the act of such clerk, without the consent of the said visiting justices, or any five or more of them; but the clerk to the said visiting justices for the time being shall always be deemed plaintiff or defendant in such action, as the case shall be.

Regulations for the situation of the building.

XVI. And be it further enacted, That the said visiting justices, as well in the choice of ground and of situation, as in determining upon the plans for building or for purchasing and altering buildings for such lunatic asylums, shall, as far as conveniently may be, fix upon an airy and healthy situation, with a good supply of water, and which may afford a probability of the vicinity of constant medical assistance, and pursue such measures and adopt such plans, as shall provide separate and distinct wards for male and female lunatics, and also for the convalescents and incurables, and also separate and distinct day rooms and airing grounds for the male and female convalescents, and dry and airy cells for the lunatics of every description.

Justices to issue warrant for committal of dangerous lunatics.

XVII. And be it further enacted, That so soon as any lunatic asylum so erected as aforesaid, shall be declared by the visiting justices to be completed, and in a fit state for the reception of lunatics and other insane persons, whereof due notice shall be given three times at the least in some publick newspaper or newspapers circulating in the county or district of counties united for the purposes of this act, the justices of the peace, acting respectively in and for any county or counties at the expence of which such asylum shall have been built, are hereby authorized and directed to

issue

issue warrants, upon the application of the overseers of the poor of any parish situate within such county or district of counties for the conveyance of any lunatic, insane person, or dangerous idiot who may be chargeable to such parish, to such asylum, there to be safely kept until he or she shall be duly discharged as hereinafter directed; and at the time of such issuing such warrant every such justice shall also make an order upon the overseers of the poor of the parish to which such lunatic, insane person, or dangerous idiot shall belong, to pay such weekly sum to the treasurer of such asylum, as shall, from time to time, be fixed upon by the visiting justices as a fit rate for the maintenance, medicine, cloathing and care of such persons.

Inflicting penalty upon any overseer neglecting to give information to justice of the peace of any lunatic pauper.

XVIII. And be it further enacted, That if any overseer of the poor of any parish shall wilfully neglect or delay to give information to such justice of the peace of any such lunatic or insane person who shall be chargeable to such parish, or to make application for such warrant as aforesaid, during the space of seven days from the time that he shall be acquainted that such person is so lunatic or insane, he shall for every such offence forfeit and pay a sum of money not exceeding ten pounds, nor less than forty shillings, to be recovered by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of any two justices of the peace acting for the county within which such parish shall be situated, which warrant such justices are hereby required to grant upon the confession of the party, or upon the information of any witness or witnesses upon oath (which oath such justices are hereby empowered to administer); and the said penalty, after the charges of recovering the same shall be deducted, shall be paid, one moiety to the informer, and the other to the treasurer of the said asylum, to be applied to the use of the same.

For the committal of vagrant lunatics.

" XIX. And whereas by an act passed in the seventeenth year of the reign of King *George* the second, intituled, *An act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction*, it is among other things enacted, That whereas there are sometimes persons who by lunacy or otherwise are furiously mad, or are so far disordered in their senses that they may be dangerous to be permitted to go abroad; it shall and may be lawful for any two or more jus-

tices of the peace where such lunatic or mad person shall be found, by warrant under their hands and seals directed to the constables, churchwardens and overseers of the poor of the parish, town, or place, or some of them, to cause such person so to be apprehended and kept safely locked up in some secure place within the county or precinct where such parish, town, or place shall lie, as such justices shall under their hands and seals direct and appoint, and if such justices find it necessary to be there chained, if the last legal settlement of such person shall be in any parish, town, or place within such county or precinct; and if such settlement shall not be there, then such person shall be sent to the place of his or her last legal settlement by a pass, *mutatis mutandis*, as aforesaid, and shall be locked up or chained, by warrant of two justices of the county or precinct to which such person is so sent in manner aforesaid; and the reasonable charges of removing and of keeping, maintaining, and curing such person during such restraint (which shall be for and during such time only as such lunacy or madness shall continue) shall be satisfied and paid, such charges being first proved upon oath, by order of two or more justices of the peace, directing the churchwardens or overseers where any goods, chattels, lands, or tenements of such person shall be, to seize and sell so much of the goods and chattels, or receive so much of the annual rents of the lands and tenements as is necessary to pay the same, and to account for what is so seized, sold, or received to the next quarter sessions; but if such person hath not an estate to pay and satisfy the same, over and above what shall be sufficient to maintain his or her family, then such charges shall be satisfied and paid by the parish, town or place to which such person belongs, by order of two justices directed to the churchwardens or overseers for that purpose:" Be it enacted, That in case there shall be a lunatic asylum established under the directions of this act for the county or district of united counties within which the parish to which any lunatic or mad person, apprehended by virtue of the above recited act, belongs, shall be situated, then such justices of the peace who shall by virtue of the above recited act issue any warrant for the confinement of such lunatic or mad person, shall in the body of such warrant so issued by them, direct and order that such lunatic or mad person shall be confined

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in such lunatic asylum and not elsewhere; but if no such lunatic asylum shall have been established, then and in such case it shall and may be lawful for such justices, if they think fit, to order and direct by such warrant that such lunatic or mad person shall be confined in any house duly licensed for the reception of lunatics under the authority of an act passed in the fourteenth year of the reign of His present Majesty, intituled, *An act for regulating mad-houses*, although such house may not be situated within the county where the parish to which such lunatic or mad person belongs, shall lie.

Where the legal settlement of lunatics cannot be discovered, the justices shall direct that they shall be sent to the lunatic asylum or some other place of confinement.

"XX. And whereas it sometimes happens, that by reason of the lunacy and madness of such persons the place of their legal settlement cannot be ascertained:" Be it enacted, That in case the place of the last legal settlement of any lunatic or mad person, apprehended by virtue of the above recited act, cannot be ascertained, then the justices who shall have caused such person to be apprehended shall by their said warrant direct such person to be confined in the lunatic asylum for the county or district of united counties within which such person shall have been apprehended, if any such asylum shall have been established, and not elsewhere: or if no such asylum shall have been established, in some house duly licensed for the reception of lunatics as aforesaid, or in some other secure place as directed by the said recited act; and if such person have not an estate to pay and satisfy the reasonable charges of removing, and of keeping, maintaining, and curing such person under the authority of the said recited act, then such charges shall be satisfied and paid by the treasurer of the county within which such person shall be apprehended, out of the county rates, by order of two justices to him directed for that purpose.

Providing that lunatic asylum shall not be liable to the reception of lunatics chargable to any place which does not contribute to the expence.

XXI. Provided always, and be it further enacted, That nothing in this act contained shall extend or be construed to extend to render any lunatic asylum which may be provided under the authority of this act for the use of any county or united counties liable to the reception of lunaticks or insane persons who may be chargeable to or apprehended in any city, town, precinct, parish, township, or place situate within the limits of such county or united counties, but claiming exemption, and being exempt from contributing to the county rate, unless such city, town, pre-

cinct, parish, township, or place, shall have agreed to unite, and shall thereby have contributed to the expence of the same under the powers herein-before given in this act.

Encouraging lunatic asylums by establishing voluntary contributions.

XXII. "And whereas in many parts of this kingdom lunatic asylums have been built and established, and others may hereafter be built and established, by voluntary contribution, for the reception and care of lunatics of all descriptions, contributing to the general charge of maintenance, medicines, and care, by certain weekly payments, according to the pecuniary circumstances of the parties respectively, or of their immediate connections, the excess of payments of the more affluent being applied to relieve and lower the payments of persons in more limited circumstances: And whereas it is fit and expedient to support and encourage such laudable institutions, and it may be of great advantage that asylums intended by this act to be erected for pauper lunatics should be united to or connected with such institutions by voluntary subscription;" Be it enacted, That at any meeting of the justices of the peace to be held as aforesaid in any county for the purpose of considering and determining on the expediency and propriety of providing a lunatic asylum or house of reception for lunatics or other insane persons, if it shall appear to the major part of the justices so assembled, that it would be expedient to unite and join with any lunatic asylum so built and established by voluntary contribution, or so intended to be built and established, it shall be lawful for the justices so assembled to appoint a committee (in manner hereinbefore directed to be appointed to treat with any adjoining county or counties) to treat with and enter into and subscribe an agreement with a committee of governors, directors, or subscribers to such voluntary institution, such committee being authorized and appointed by a majority of such subscribers, to be called by public advertisement as aforesaid for the express purpose of making such appointment; and all provisions hereinbefore directed in regard to counties treating and agreeing with each other, shall be adhered to and be effectual, so far as the same will apply, or as the different circumstances of the two cases will admit; and the number of the committee of directors, governors, or subscribers, appointed by the subscribers, shall not exceed the number of the committee of

justices to be appointed by the justices of the peace on the part of the county; and such committee of subscribers, or the major part of them, shall be competent to enter into and subscribe any agreement, to all intents and purposes, as fully and effectually as any committee appointed under this act on the part of any county uniting to treat with any other county so uniting: Provided always, no agreement so made by any committee of justices shall be valid and have force on the part of the county, until the same shall have been submitted to and approved by the majority of the justices of the peace of the county assembled at the next ensuing general quarter sessions which shall be held after such agreement shall have been entered into.

Penalty on persons having lunatics in their care suffering them to go at large without an order from the justices.

XXIII. And be it further enacted, That all lunatics, insane persons, or dangerous idiots so committed to such asylum, shall be safely kept, and that no such person shall be suffered to quit the said asylum or to be at large until the visiting justices or the greater part of them, shall order the discharge of such person, and shall signify the same in writing under their hands and seals; and that if any officer, servant, or assistant in such asylum shall notwithstanding, through neglect or connivance, permit such person in any case to escape and be at large without such order as aforesaid, he or she shall for every such offence forfeit and pay a sum not exceeding ten pounds, nor less than forty shillings, to be recovered by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of any two justices of the peace acting for the county within which such asylum shall be situated (which warrant such justices are hereby required to grant, upon the confession of the party, or upon the information of any witness or witnesses upon oath (which oath such justices are hereby empowered to administer); and the said penalty, after the charges of recovering the same shall be deducted, shall be paid one moiety to the informer, and the other moiety to the treasurer of the said asylum, to be applied to the use of the same.

Visiting justices to appoint officers,

XXIV. And be it further enacted, That in all cases where any such lunatic asylum shall have been established under the authority of this act, the visiting justices appointed as aforesaid to superintend the same or the major part of them, such major part not being fewer than five, shall from time to

time make such regulations as to them shall seem expedient for the management and conduct thereof, in which regulations shall be set forth the number and description of officers and servants to be kept, the duties to be required, and what salaries shall respectively be paid to them; and may appoint a treasurer, and such other officers and servants together with such number of assistants as they shall from time to time find necessary in proportion to the number of persons confined in such asylum, and may dismiss any such officer, servant, or assistant, if they see occasion; and shall from time to time fix a certain weekly rate to be paid for each person confined in such asylum, which may be sufficient to defray the whole expence of the maintenance and care, medicines and cloathing, requisite for such person, and the salaries of the officers and attendants; provided always, that such rate shall in no case exceed fourteen shillings *per* week; and that the said visiting justices shall annually audit the accounts of the treasurer, and report the same to the next general quarter sessions of the peace to be holden for the counties at the expence of which such asylum has been established.

and direct repairs.

XXV. And be it further enacted, That such visiting justices may from time to time order all such repairs, or other expences as may be necessary for such lunatic asylums, and shall direct the same to be paid by an order upon the county treasurer, where such asylum shall be established by one county only, or shall apportion the same as aforementioned upon each county where such asylum is established for a district of united counties, and shall make an order upon the treasurer of each of the said united counties for the payment of the proportion to be paid by such county; and that such county treasurer shall immediately discharge the same out of any money which may then be in his hands, under the penalty of double such sum as he shall be directed to pay, to be recovered from him for the benefit of such asylum by action in any of His Majesty's courts at *Westminster* by the treasurer of the said asylum.

Assessment to rates not to be encreased.

XXVI. And be it further enacted, That in all future rates, taxes, and levies to be made for any parish or place in which any land or ground to be purchased for the purposes of this act shall be situate, such land or ground with any building to be erected thereon shall not be assessed to any such rates, taxes, or levies, at a higher value or more improved

proved rent than the same land or ground was at the time of such purchase; nor shall any building or buildings which, under this act, shall be erected on such land, be assessed to any house or window tax, any act or acts of parliament to the contrary notwithstanding.

Buildings exempted from the window tax.

" XXVII. And whereas by an act passed in the thirty-ninth and fortieth years of the reign of His present Majesty, and intituled, *An act for the safe custody of insane persons charged with offences*, it is enacted, that in certain cases therein specified it shall be lawful for courts of justice to direct insane persons to be kept in strict custody, in such place and in such manner as to such courts shall seem fit, until His Majesty's pleasure shall be known; and that it shall thereupon be lawful for His Majesty to give such order for the safe custody of such persons during his pleasure in such place and in such manner as to His Majesty shall seem fit: And whereas it is expedient that provision should be made for the due maintenance and care of such persons while they shall be so kept in custody;" Be it enacted, That in all cases where any person shall by virtue of the above last recited act be kept in such custody as a lunatic or insane person, by order of any court or by His Majesty's order subsequent thereto, it shall and may be lawful for any two justices of the peace of the county where such person shall be so kept in custody, to enquire into and ascertain by the best legal evidence that can be procured under the circumstances of personal legal disability of such lunatic, the place of the last legal settlement, and the circumstances of such person; and if it shall not appear that he or she is possessed of sufficient property which can be applied to his or her maintenance, to make order upon such parish where they shall adjudge him or her to be legally settled, to pay such weekly sum for his or her maintenance in such place of custody as such court or His Majesty shall appoint, as shall from time to time be fixed upon and directed in writing by one of His Majesty's principal secretaries of state; and that where such place of settlement cannot be ascertained, such allowance shall be paid by the treasurer of the county where such person shall have been apprehended; but if it shall appear that such person is possessed of such sufficient property as aforesaid, then such justices shall order and direct the same to be applied to pay and satisfy the expence

39 & 40 G. 3. c. 94.

Persons charged with murder, being insane, justices to enquire into their settlement, and make order for their maintenance.

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of the maintenance of such person, in the manner directed in the case of lunatics and mad persons by the above recited act, passed in the seventeenth year of King *George* the Second: Provided always, that the churchwardens and overseers of such parish in which the said justices shall adjudge any lunatic to be legally settled, or the major part of them, may appeal against such order to the general quarter sessions of the peace to be holden for the county where such order shall be made, in like manner, and under like restrictions and regulations as against any order of removal, giving reasonable notice thereof to the clerk of the peace of such county, who shall be respondent in such appeal; which said appeal the justices of the peace assembled at the said general quarter sessions are hereby authorized and empowered to hear and determine, in the same manner as other orders of removal are now heard and determined.

Appeal.

Provisions to extend to ridings, cities, and towns.

XXVIII. And be it further enacted, That all provisions, directions, clauses, matters, and things whatever in this act contained relating to counties, shall extend and be construed to extend to all ridings, divisions, cities, towns, liberties, and places possessing separate jurisdictions; and if relating to parishes, shall extend and be construed to extend to all vills, townships, and places maintaining their own poor, as fully and amply as if they were severally and respectively repeated in every such provision, direction, and clause, and with relation to any such matter or thing.

SCHEDULE (N° I.)

Form of agreement for uniting the counties or ridings, &c. [as the case may be] *of A. B. and C.; for the purpose of providing a lunatick asylum or house for the reception of lunaticks and insane persons, pursuant to the statute of the Forty-eighth year of King* George *the Third.*

IT is agreed this day of by and between the committees of justices of the peace severally appointed for the counties [*or* ridings, cities, &c. *as the case may be*] of *A. B. C.* to treat for the uniting of the said counties for the purposes of an act (for the better

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care and maintenance of paupers and criminal lunatics) passed in the forty-eight year of His Majesty King *George* the Third, that the said counties [&c. *as the case may be*] shall from henceforth be united for the purposes of the said act, and adopt in all respects the provisions, rules, orders, and regulations, and comply with all the requisites prescribed by the said act for counties uniting for those purposes; and that a lunatic asylum or house for the reception of lunatics and other insane persons, with all necessary buildings, courts, yards, and outlets, shall be immediately provided at or near and properly fitted up and accommodated for the purposes mentioned in the said act; and that the necessary expences attending upon the providing, building, fitting up, repairs and maintenance of the said lunatic asylum, shall be defrayed by the said counties so united, in the following proportions, that is to say;

The county of *A.* four-ninths of the said expences.

The county of *B.* three-ninths of the same.

The county of *C.* two-ninths of the same [*or as the case may be.*]

And we do further agree, that the committee of visiting justices to superintend the building, erection, and management of the said lunatic asylum, shall consist of eighteen [or, *as the case may be*]; whereof the justices of the peace for the said county of *A.* shall appoint eight, the justices of the peace for the county of *B.* shall appoint six, and the justices of the peace for the county of *C.* shall appoint four: And hereunto we, the undersigned justices of the peace, being the major part of each of the said committees of justices for the said several counties, do, on the part and behalf of the said counties, set our hands and seals, this day of in the year

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SCHEDULE (N° II.)

Form of mortgage and charge upon the county rates for securing the money borrowed.

WE *A. B.* one of His Majesty's justices of the peace and chairman of the court of quarter sessions of the peace for the

the county, &c. of [*as the case shall be*] holden at the day of

C. D. and *E. F.* esquires, two other of His Majesty's justices of the peace acting for the said county, *&c.* and assembled in the said court, in pursuance of the powers to us given by an act passed in the forty-eighth year of the reign of His Majesty King *George* the Third, intituled, [&c. *here insert the title of the act*] do hereby in open court mortgage and charge all the rates to be raised within the said county, [&c. *as the case shall be*] under the description of county rates by the laws now in being, with the payment of the sum of which *G. H.* of hath proposed and agreed to lend, and hath now actually advanced and paid towards defraying the expences of purchasing lands for building, repairing, [&c. *as the case shall be*] the lunatic asylum for the said county, [&c. *or* the united counties of, &c. *as the case may be*] and we do hereby confirm and establish the same unto the said *G. H.* his executors, administrators, and assigns, for securing the repayment of the said sum of and interest for the same, after the rate of per centum per annum, and do order the treasurer for such county, &c. or other person [*as the case shall be*] to pay the interest of the said sum of half-yearly, as the same shall become due, until the principal shall be discharged, pursuant to the directions of the said act.

[49 Geo. III. Cap. 68.]

An Act to explain and amend the Law of Bastardy, so far as relates to indemnifying Parishes in respect thereof. [3*d* June 1809.]

"WHEREAS the provisions of an act made in the eighteenth year of the reign of Queen *Elizabeth*, concerning bastards begotten and born out of lawful matrimony, are found to be inadequate to the purposes of indem-

nifying parishes against the charges and expences incurred by the apprehending and securing the reputed father, and also by the obtaining the order of filiation: And whereas it is expedient that such charges and expences should be borne and discharged by the adjudged reputed father of such bastard child or children, at the discretion of the justices by whom such adjudication shall be made, either in the court of quarter sessions or otherwise, not exceeding the amount herein-after mentioned;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person who shall hereafter be adjudged to be the reputed father of any bastard child or children, shall be chargeable with and liable to the payment of all reasonable charges and expences incident to the birth of such bastard child or children, and also to the payment of the reasonable costs of apprehending and securing such reputed father, and also to the payment of the costs of the order of filiation, such costs of apprehending and securing the reputed father, and of the order of filiation, not to exceed the sum of ten pounds; and all such charges, expences, and costs, shall be duly and respectively ascertained on oath before the justices of the peace or the court of quarter sessions making such order of filiation, which oath such justices or court are hereby respectively empowered to administer.

Reputed fathers of bastard children shall be chargeable with the expences incident to the birth, with the costs of apprehending and of the order of filiation.

II. And be it further enacted, That if any single woman shall declare herself to be with child, and that such child is likely to be born a bastard and to be chargeable to any parish, township, or extra-parochial place, and shall, in an examination to be taken in writing upon oath before any justice of the peace of any county, riding, division, city, liberty or town corporate wherein such parish, township, or place shall lie, charge any person with having gotten her with child, it shall be lawful to and for such justice, upon application made to him by the overseer of the poor of such parish or township, or by any substantial householder of such extra-parochial place, to issue out his warrant for the immediate apprehending of such person so charged as aforesaid, and for bringing him before such justice, or before any other justice of the peace of such county, riding, division, liberty,

Apprehending persons sworn to by women likely to be delivered of bastards.

liberty, or town corporate; and the justice before whom such person shall be brought, having authority in this behalf, is hereby authorized and required to commit the person so charged as aforesaid to the common gaol or house of correction of such county, riding, division, liberty, or town corporate, unless he shall give security to indemnify such parish or place, or shall enter into a recognizance with sufficient surety or sureties upon condition to appear at the next general quarter sessions or general sessions of the peace to be holden for such county, riding, division, city, liberty, or town corporate, to abide and perform such order or orders as shall then be made in pursuance of the said act of the eighteenth year of the reign of Queen *Elizabeth*, unless one such justice as aforesaid, shall have certified in writing under his hand to such general quarter sessions or general sessions of the peace, that it had been proved before him upon the oath of one credible witness, that such single woman had not been then delivered, or had been delivered within one month only previous to the day on which such general quarter sessions or general sessions of the peace shall be holden, or unless two justices of the peace of such county, riding, division, city, liberty, or town corporate, shall have certified in writing under their hands to the next, or where such woman shall not have been delivered as aforesaid, then to the immediately subsequent general quarter sessions or general sessions of the peace, that an order of filiation had been already made on the person so charged, or that such order was not then requisite to be made, on account of the death of the child born a bastard, or for other like sufficient reason; in each of which cases firstly before mentioned, it shall be lawful for the justices assembled at such general quarter sessions or general sessions of the peace, to respite such recognizance to the then next general quarter sessions or general sessions of the peace to be holden for such county, riding, division, city, or town corporate, without requiring the personal attendance of the putative father so bound, or of that of his surety or sureties, and in either of the said two last mentioned cases it shall be lawful for the justices assembled as aforesaid wholly to discharge such recognizance.

For maintenance of bastard children.

"III. And whereas parishes are often put to great expence in enforcing the performance of orders of maintenance made on

on the filiation of bastard children;" Be it therefore further enacted, That if any reputed father or any mother of such bastard child or children on whom any order of filiation or maintenance of such child or children, shall have been made by the court of quarter sessions, or which shall have been made by two justices of the peace and confirmed by the court of quarter sessions, or against which no appeal shall have been made to the court of quarter sessions, shall neglect or refuse to pay any sum or sums of money which he or she shall have been ordered to pay towards the maintenance or other sustentation for the relief of any such bastard child or children by any such order, it shall be lawful for any justice of the peace of the county, riding, division, city, liberty or town corporate in which such reputed father or such mother shall happen to be, and the said justice is hereby required upon complaint made to him by any one of the overseers of the poor of any parish, township, or place liable to the maintenance or support of such bastard child or children, or where such bastard child or children shall then be, and upon proof on oath of such order for the payment of such sum or sums of money being unpaid, and of a demand of such payment having been made, and a refusal to pay the same, or that such reputed father or such mother hath left his or her usual place of abode, and hath avoided a demand thereof being made by such overseer, to issue his warrant to apprehend such reputed father or such mother, and to bring him or her before such justice or any other justice of the peace of the same county, riding, division, city, liberty, or town corporate, to answer such complaint; and if such reputed father or such mother shall not pay such sum or sums of money as shall appear to the said justice before whom such reputed father or such mother shall be brought to be due and unpaid, or shall not shew to such justice some reasonable and sufficient cause for not so doing, it shall be lawful for such justice, and the said justice is hereby required to commit such reputed father or such mother to the publick house of correction or common gaol of the said county, to be there kept to hard labour for the space of three months, unless such reputed father or such mother shall, before the expiration of the said three months, pay or cause to be paid to one of the overseers of the poor of the parish, township, or place on whose behalf such complaint as aforesaid was made, the

said

said sum or sums of money so due and unpaid as aforesaid, and so from time to time and as often as such reputed father or such mother shall in manner aforesaid neglect or refuse to pay any other sum or sums of money that shall afterwards become due by virtue of and under such order after the expiration of or discharge from any such former imprisonment as aforesaid.

Expences and costs subject to the discretion and allowance of magistrates or court of quarter sessions, as the case may be.

IV. Provided always, and be it further enacted, That all such charges, expences, and costs shall be wholly subject to the discretion of the justices or court of quarter sessions who shall make such order of filiation; and the justices or court of quarter sessions are hereby authorized, if they shall see fit, to allow and order payment of the whole or any part thereof: Provided always, that the costs of apprehending and securing the reputed father, and of the order of filiation, shall not in any case exceed the sum of 10*l.*, and for securing the due payment of the same, after such allowance and order as aforesaid, all and every the powers, authorities, provisions, clauses, matters, and things contained in the said act passed in the eighteenth year of the reign of Queen *Elizabeth*, concerning bastards begotten and born out of lawful matrimony, shall be respectively observed, used, and practised in the execution of this act, and shall be construed, deemed, and taken to apply as fully and effectually, to all intents and purposes, as if the said powers, authorities, provisions, clauses, matters, and things were specially recited and re-enacted in this act.

Allowing an appeal to the quarter sessions, on giving notice and entering into recognizance.

V. Provided also, and be it further enacted, That any person or persons who shall think himself, herself, or themselves aggrieved by any order made by such justices as aforesaid under the provisions of this act, and not originating in the quarter sessions, may appeal to the next general quarter sessions of the peace to be holden for the county where such order shall be made, on giving notice to such justices or to one of them, and also to the churchwardens and overseers of the poor of the parish on whose behalf such order shall have been made, or to one of them, ten clear days before such general quarter sessions of the peace at which such appeal shall be made, of his, her, or their intention of bringing such appeal, and of the cause and matter thereof, and entering into a recognizance within three days after such notice before some justice of the peace for such

such county, with sufficient surety conditioned to try such appeal, and abide the judgment and order of, and pay such costs as shall be awarded by the justices at such quarter sessions, which said justices at their said sessions, upon proof of such notice being given, and of entering into such recognizance as aforesaid, shall and they are hereby required to proceed in, hear, and determine the causes and matters of all such appeals, and shall give such relief and costs to the parties appealing or appealed against as they in their discretion shall judge proper; and such judgments and orders therein made shall be final, binding, and conclusive to all parties concerned, and to all intents and purposes whatsoever.

So much of recited act as authorizes justices, in cases where women have not been delivered, to commit reputed fathers to gaol, repealed.

VI. And be it further enacted, That so much of an act passed in the sixth year of the reign of His late Majesty King *George* the Second, intituled, *An act for the relief of parishes and other places from such charges as may arise from bastard children born within the same,* as authorizes the justice or justices before whom the reputed father of a bastard child shall be brought, in cases where the woman has not been delivered, to commit such reputed father to the common gaol or house of correction, unless he shall give security to indemnify the parish or place, or shall enter into a recognizance with sufficient surety upon condition to appear at the next general quarter sessions or general sessions of the peace, shall be and the same is hereby repealed.

No future appeal in cases of bastardy without notice, and entering into recognizance.

VII. And be it further enacted, That from and after the passing of this act, no appeal in any case relating to bastardy shall be brought, received, or heard at the said quarter sessions, unless such notice shall have been given, and such recognizance shall have been entered into in manner aforesaid, according to the provisions of this act.

Commencement of act.

VIII. And be it further enacted, That this act shall commence and take effect on the twentieth day of *July* in the year one thousand eight hundred and nine, and not before.

[49 Geo. III. Cap. 124.]

An Act for altering, amending and explaining certain Acts relative to the Removal of the Poor, and for making Regulations in certain Cases touching the Examination of Paupers as to their Settlement; and for extending to all Parishes certain Rules and Orders in Workhouses, under an Act of the Twenty-second Year of His present Majesty, intituled, An Act for the better Relief and Employment of the Poor. [20*th* June 1809.]

35 G. III. c. 101.

"WHEREAS, by an Act passed in the thirty-fifth year of the reign of His present Majesty, intituled, *An act to prevent the removal of poor persons until they shall become actually chargeable*, it is amongst other things enacted, that in case any poor person shall be brought before any justice or justices of the peace for the purpose of being removed from the place where he or she is inhabiting or sojourning, by virtue of any order of removal, or of being passed by virtue of any vagrant pass, and it shall appear to the said justice or justices that such poor person is unable to travel by reason of sickness or other infirmity, or that it would be dangerous for him or her so to do, the justice or justices making such order of removal or granting such vagrant pass, are required and authorised to suspend the execution of the same until they are satisfied that it may safely be executed without danger to any person who is the subject thereof, and that the charges proved upon oath to have been incurred by such suspension of any order of removal may by the said justices be directed to be paid by the churchwardens and overseers of the parish or place to which such poor person is ordered to be removed, in case any removal shall take place, or in case of the death of such poor person before the execution of such order: and by the same act it is further enacted, that in case of an appeal against any order for the payment of such charges, if the court of quarter sessions shall be of opinion that the sum so awarded be more than of right ought to have been directed to be paid, such court may and is thereby directed to strike out the sum contained in the said order, and insert the sum which in the judgment of such court ought to be paid; and in every such case the court of quarter sessions

sions shall direct that the said order so amended shall be carried into execution by the said justices by whom the order was originally made, or either of them, or in case of the death of either of them, by such other justice or justices as the court shall direct: And whereas it is expedient that the power of putting an end to the suspensions of any such order of removal or pass, and of executing the several or other authorities aforesaid, should not be confined to the order of the justice or justices making such order or pass:" May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, in all cases wherever the execution of any order of removal or of any vagrant-pass shall be hereafter suspended by virtue of the said recited act, it shall be lawful for any other justice or justices of the peace of the county or other jurisdiction within which such removal or pass shall be made, to direct and order that the same shall be executed, and to direct the charges to be incurred as aforesaid to be paid, and to carry into execution any such amended orders as aforesaid, as fully and effectually to all intents and purposes as the said respective powers and authorities can or may be executed by the said justices who shall make any such order of removal, or by the justice who shall grant any such pass as aforesaid.

In all cases when any order of removal or vagrant-pass shall be suspended, any other justice of the county or place where such removal or pass shall be made, may order the same to be executed, &c.

II. And be it further enacted, That when the execution of any such order of removal shall be suspended, the time of appealing against such order shall be computed according to the rules which govern other like cases from the time of serving such order, and not from the time of making such removal under and by virtue of the same.

How the time of appealing shall be computed.

III. And, in order to avoid any pretence for forcibly separating husband and wife, or other persons nearly connected with or related to each other, and who are living together as one family at the time of any order of removal made or vagrant-pass granted, during the dangerous sickness or other infirmity of any one or more of such family, on whose account the execution of such order of removal or vagrant-pass is suspended; be it further enacted and declared, That where any order of removal or vagrant-pass shall be suspended by

Order of removal suspended in case of sickness, may also extend to other persons named in the order to prevent the separation of a family.

virtue of this or of the said recited act, on account of the dangerous sickness or other infirmity of any person or persons thereby directed to be removed or passed, the execution of such order of removal or vagrant-pass shall also be suspended for the same period with respect to every other person named therein, who was actually of the same household or family of such sick or infirm person or persons at the time of such order of removal made or vagrant-pass granted.

Any magistrate may take the examination of an infirm pauper as to his settlement, and report to petty sessions.

IV. And be it further enacted, That whenever it shall happen that any pauper is by age, illness, or infirmity unable to be brought up to the petty sessions to be examined as to his or her settlement, it shall be lawful for any one magistrate acting for the district where such pauper shall be, to take the examination of the said pauper, and to report the same to any other magistrate or magistrates acting for the said district, and for the said magistrates upon such report to adjudge the settlement of the said pauper, and make and suspend the order of removal, as fully and effectually to all intents and purposes as if the said pauper had appeared before two magistrates.

22 G. III. c. 83.

V. And whereas, by an act passed in the twenty-second year of the reign of His present Majesty, intituled, *An act for the better relief and employment of the poor;* certain rules, orders, bye-laws, and regulations are appointed to be observed and enforced in every poor house established under the authority of the said act: And whereas it is expedient that such rules, orders, bye-laws, and regulations should be extended to poor houses and workhouses established in other parishes, it is hereby enacted than any two or more of His Majesty's justices of the peace, may, at any petty sessions direct such rules, orders, bye-laws, and regulations, or any of them, to be observed and executed in any parishes within their respective divisions or districts, as fully as in those incorporated by the said act.

Two justices in petty sessions may direct the regulations prescribed by recited act to be observed.

[50 Geo. III. Cap. 49.]

An Act to amend the Laws for the Relief of the Poor, so far as relate to the examining and allowing the Accounts of Churchwardens and Overseers by Justices of the Peace.

[9*th* June 1810.]

"WHEREAS by an act made in the forty-third year of the reign of Her late Majesty Queen *Elizabeth*, intituled, *An act for the relief of the poor*, it is enacted, that churchwardens and overseers of the poor of every parish shall within four days after their year, and after other overseers nominated, make and yield up to two justices of the peace a true and perfect account of all sums of money by them received, or rated and sessed and not received, and of all other things concerning their said office: And whereas by an act made in the seventeenth year of His late Majesty King *George* the Second, for remedying some defects in the said recited act made in the forty-third year of the reign of Queen *Elizabeth*, it is enacted, that the churchwardens and overseers of the poor shall yearly and every year, within fourteen days after other overseers shall be nominated and appointed to succeed them, deliver in to such succeeding overseers a just, true, and perfect account in writing under the hands of the churchwardens and overseers directed to account, of all sums of money by them received or rated and assessed and not received, and of all other things concerning their said office; which said account shall be verified by oath, or by the affirmation of persons called *Quakers*, before one or more of His Majesty's justices of the peace, which said oath or affirmation such justice or justices is and are by the said act authorized and required to administer, and to sign and attest the caption of the same at the foot of the said account: And whereas it is expedient that two or more justices should be empowered to examine and correct and to allow and approve every such account before the same shall be signed and attested;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament

43 Eliz. c. 2.

17 G. II. c. 38.

Accounts of churchwardens and overseers of the poor, to be submitted by them to two or more justices at a special sessions held under last recited act.

liament assembled, and by the authority of the same, That in all cases where any such account is required to be made and yielded, and to be signed and attested as aforesaid by virtue of the said last recited act, every such account shall be submitted by the churchwardens and overseers to two or more justices of the peace of the county, dwelling in or near the parish or place to which such account shall relate, at a special sessions for that purpose to be holden within the fourteen days appointed by the said last recited act for delivering in such account; and such justices shall and they are hereby authorized and empowered, if they shall so think fit, to examine into the matter of every such account, and to administer an oath or affirmation to such churchwardens and overseers of the truth of such account, and to disallow and strike out of every such account all such charges and payments as they shall deem to be unfounded, and to reduce such as they shall deem to be exorbitant, specifying upon or at the foot of such account every such charge or payment and its amount, so far as such justices shall disallow or reduce the same, and the cause for which the same was disallowed or reduced; and it shall be lawful for such two or more justices and they are hereby required to signify their allowance and approbation of any such account under their hands, and to sign and attest the caption of the same at the foot of such account, in manner directed by the said last recited act: And in case such churchwardens and overseers, or any of them, shall refuse or neglect to make and yield up or to submit such account, or to verify the same by oath as aforesaid, or to deliver over to their successors within ten days from the signing and attesting such accounts, any goods, chattels, or other things, which on the examination and allowance of such account in manner aforesaid shall appear to be remaining in the hands of such churchwardens or overseers, it shall and may be lawful for any two or more justices of the peace to commit him, her, or them, to the common gaol, until he, she, or they shall have made and yielded such account, and verified the same as aforesaid, or shall have delivered over such goods, chattels, and other things which shall appear to be so remaining in his, her, or their hands as aforesaid; and in case such churchwardens and overseers, or any of them, shall refuse or neglect to pay to their successors within fourteen days from the signing and attesting such account, any

Penalty for neglect, &c.

sum

sum or sums of money or arrearages which on the examination and allowance of such account in manner aforesaid shall appear or be found to be due and owing from such churchwardens or overseers, or any of them, or remaining in their hands, it shall and may be lawful for the subsequent churchwardens and overseers by warrant from any two or more justices of the peace, to levy all such sum and sums of money by distress and sale of the offenders goods, rendering to the parties the overplus, and in default of such distress, it shall be lawful for any such two justices of the peace, to commit the offender or offenders to the common gaol of the county, there to remain without bail or mainprize, until payment of such sum or sums of money or arrearages as aforesaid.

Churchwardens, &c. may appeal to quarter-sessions.

II. Provided always, and be it enacted, That if such churchwardens or overseers, or any of them, shall feel themselves, himself, or herself aggrieved by the disallowance or reduction of any such charges or payments, and be desirous of appealing against any order in that respect, made by any such two or more justices of the peace, it shall and may be lawful for him, her, or them, to enter an appeal against such order, at the next general or quarter sessions to be holden next after the tenth day from the making of such order, he, she, or they having first paid or delivered over to the succeeding churchwardens and overseers, such sum and sums of money, goods, chattels, and other things, as on the face of the account which shall have been submitted by him, her, or them to such two or more justices in manner aforesaid, shall appear and be admitted to be due and owing from him, her, or them, or remaining in his, her, or their hands, and having also entered into a recognizance before one or more such justice or justices, with two sufficient securities to be approved of by such justice or justices before whom such recognizance shall be acknowledged, in not less than double the sum or value in dispute, to enter such appeal at such next general or quarter sessions, and abide by such order as shall at that or any subsequent sessions be made on such appeal; and it shall and may be lawful for the justices of the peace assembled at such general or quarter sessions, on proof of the matters aforesaid, and on the production of such recognizance and proof of the same having been duly entered into, to adjourn such appeal if they shall see occasion, or to hear the same, and to examine into and to confirm or reverse such

disallowance or reduction in the whole or in part, as to such justices at such sessions shall seem just; and in any such case, the said justices at such sessions may (if they shall think fit) make an order that such churchwardens and overseers shall have the costs by them incurred upon any such appeal defrayed out of the poor rates of the parish or place; and the order of the general quarter sessions in execution of the powers given to them by this act shall be binding on all parties.

Appeal may also lie to any other person.

III. Provided also, and be it enacted, That nothing herein contained shall take away or be construed to take away any power of appeal against any such account, by any other person entitled to appeal against the same by virtue of the said recited acts or either of them.

Magistrates of corporations shall have the same jurisdiction as two or more justices.

IV. And be it further enacted, That every mayor, bailiff, or other head officer of every town and place corporate and city in *Great Britain*, or any two magistrates of such town or place corporate or city, being justice or justices of peace respectively, shall have the same authority by virtue of this act within the limits and precincts of their jurisdictions as is by this act limited, prescribed, or appointed to justices of the peace of the county, or any two or more of them, for the execution of this act; subject nevertheless to an appeal to the general or quarter sessions in every such town or place corporate, or city respectively as aforesaid; Provided always, that in any town or place corporate, or city, where there are not four justices of the peace, it shall and may be lawful for any person or persons where an appeal is given by this act, to appeal, if he or they shall think fit, to the next general or quarter sessions of the peace for the county, riding, or division wherein such town or place corporate or city is situate.

Proceedings of quarter-sessions final.

V. And be it further enacted, That no *certiorari* shall be granted to remove any order or proceeding of any general or quarter sessions or of any justices, made or had under this act, into any superior court of record; but that all orders and proceedings of such sessions and all orders and proceedings of such justices (subject to such appeal as aforesaid) under this act, shall be final and conclusive to all intents and purposes.

Not to extend to churchwardens, &c.

VI. Provided also, and be it enacted, That nothing in this act contained shall extend or apply, or be construed to extend to apply to the accounts of any churchwarden or overseer

seer of the poor in any parish or place where by the provisions of any act or acts relating to the poor of such parish or place, or by the construction of any such act or acts, such churchwardens and overseers are exempted from the rendering the accounts required by the hereinbefore recited acts of the forty-third year of the reign of Her late Majesty Queen *Elizabeth*, and of the seventeenth year of the reign of His late Majesty King *George* the Second, or either of them; any thing hereinbefore contained to the contrary notwithstanding: Provided also, that nothing in this act contained shall extend or be construed to extend to the city of *London*.

exempted from accounting under the recited acts.

Nor to the city of London.

VII. Provided also, and be it enacted, That nothing in this act contained shall alter or repeal any of the provisions or regulations contained in the said recited acts of the forty-third year of the reign of Her late Majesty Queen *Elizabeth*, and of the seventeenth year of the reign of His late Majesty King *George* the Second, or either of them, other than and except only such provisions or regulations as are expressly mentioned in this act, and so far as the same are expressly amended or altered by this act.

Recited acts unless where it is hereby expressly mentioned, not to be affected.

[50 Geo. III. c. 50.]

An Act to explain and amend an act made in the last Session of Parliament, relating to the Relief and Employment of the Poor, so far as relates to the more effectual carrying the same into Execution; and to extend the Provisions thereof to Parishes which shall not have adopted the Provisions of an Act of the Twenty-second Year of His present Majesty, for the better Relief and Employment of the Poor.

[9*th* June 1810.]

"WHEREAS an act was passed in the twenty-second year of the reign of His present Majesty, intituled, *An act for the better relief and employment of the poor*, whereby certain rules, orders, and regulations specified and contained

22 G. III. c. 83.

contained in the schedule to the said act annexed, are directed to be observed and enforced at every poor-house to be provided by virtue of that act, with such additions as should be made by the justices of the peace of the limit wherein such house or houses should be situate, at some special session; provided such additions should not be contradictory to the rules, orders, and regulations established by that act; and provided that the same should not be repealed by the justices at their general quarter sessions of the peace: And whereas another act was passed in the forty-ninth year of the reign of His present Majesty, intituled, *An act for altering, amending, and explaining certain acts relative to the removal of the poor, and for making regulations in certain cases touching the examination of paupers as to their settlements; and for extending to all parishes certain rules and orders in workhouses, under an act of the Twenty-second year of His present Majesty, intituled,* '*An act for the better relief and employment of the poor;*' whereby any two or more of His Majesty's justices of the peace are authorized, at any petty sessions, to direct such rules, orders, and regulations, or any of them, to be observed and executed in any parishes within their respective divisions or districts: And whereas it is expedient that the benefit of such regulations as are provided and authorized to be made by the said recited act of the twenty-second year of His present Majesty, for the government of poor-houses and workhouses, should be extended to parishes which shall not have adopted the provisions of the said acts:" May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That any two or more of His Majesty's justices of the peace, within their respective limits, may at any special session direct the rules, orders, and regulations, in the schedule to the said act of the twenty-second year of His Majesty's reign specified and contained, or any of them, with such additions as shall be made by such justices, to be observed and enforced in the workhouses or poor-houses, or any houses set apart for that purpose, although there should be no master or mistress to superintend the same, of any parish or place within their respective divisions or districts,

49 G. III. c. 124.

Two justices may direct the regulations specified in schedule of 22 G. III. c. 83. to be observed in workhouses where no master or mistress is appointed to

as fully and effectually as the rules and orders by the said act of the twenty-second year of His Majesty's reign established, are to be observed and enforced within the parishes adopting the provisions of the same act; and that it shall be lawful for two or more such justices, in any special session from time to time as they shall see occasion, to add to and alter the rules, orders, and regulations which shall at any previous special sessions have been made and ordered to be observed, provided that no addition or alteration to be made by such justices shall be contradictory to the rules, orders, and regulations established by the said act of the twenty-second year of His Majesty's reign, and provided that the same shall not be repealed by the justices at their quarter session of the peace; and for enforcing and carrying into execution such rules, orders, and regulations in every parish and place where the same shall be established by virtue of this act, every justice of the peace shall for that purpose have the powers by the said act of the twenty-second year of His Majesty's reign vested in visitors of the poor; and all churchwardens and overseers, within their respective parishes and townships, shall have and exercise the powers, and shall perform the duties by the same act vested in and imposed upon governors of the poor.

superintend; and may alter such regulations.

II. And be it further enacted, That persons contracting for the maintenance of the poor of any parish or place shall, with respect to all such things as they shall contract to perform and provide for the poor, be subject to the jurisdiction and orders of justices of the peace in like manner in all respects as overseers of the poor are subject thereto; and that every order of any such justice to or upon any person so contracting, may be enforced and carried into execution by such means as the same might have been enforced and carried into execution against any overseer of the poor; and that every person so contracting for the maintenance of the poor, who shall refuse or neglect to obey any such order, shall be punishable by the like forfeitures and penalties, to be levied in the same manner as in cases of disobedience or neglect of the orders of justices by overseers of the poor.

Contractors for providing for the poor shall be subject to the jurisdiction of the justices as overseers of the poor.

III. Provided always, and be it further enacted, That it shall be lawful for the justices in any such special session as aforesaid,

Justices may appoint the keeper of

the workhouse to be governor.

aforesaid, upon the application of the overseers of the poor of any parish or place, or of the major part of them, to appoint the keeper of the workhouse of any such parish or place to be the governor thereof, and the keeper so appointed, so long as he shall continue keeper of such workhouse until the justices in any such special session shall revoke such appointment (which they are hereby empowered to do) shall have, use, and exercise the powers, and perform the duties by the said act of the twenty-second year of His Majesty's reign, vested in and imposed upon governors of the poor.

Penalty on embezzling goods.

IV. And be it further enacted, That if any person who shall be sent to any poor-house or workhouse shall embezzle, or wilfully waste, spoil, or damage any of the clothing, goods, or materials committed to his or her care, or shall take or carry away, without permission of the overseer of the poor or keeper of the said workhouse, any clothing, goods, or materials provided for the use of such poor-house, or of any of the poor therein, complaint thereof may be made upon oath to one or more justices of the peace acting for the district or division in which such parish shall be situate; and such justices are hereby authorized to hear such complaint, and upon conviction to commit the offender to the house of correction, there to be kept to hard labour for any time not exceeding two calendar months, nor less than seven days.

Breach of rules under this act to be punished.

V. And be it further enacted, That any breach of the rules and orders to be put in force by virtue of this act, shall be punished in such manner as is by the said act directed for the breach of the rules and orders to be enforced under the before-recited act of the twenty-second year of His present Majesty, chapter eighty-three.

[50 Geo. III. Cap. 51.]

An Act to repeal so much of an Act, passed in the Seventh Year of King James *the First, as relates to the Punishment of Women delivered of Bastard Children; and to make other Provisions in lieu thereof.* [9*th* June 1810.]

7 Jac. I. c. 4. "WHEREAS an act was passed in the seventh year of the reign of His late Majesty King *James* the First, intituled,

intituled, *An act for the due execution of divers laws and statutes heretofore made against rogues, vagabonds, and sturdy beggars, and other lewd and idle persons:* And whereas, it is among other things directed and enacted, that every lewd woman who after the then present session of parliament should have any bastard which might be chargeable to the parish, should be committed to the house of correction, there to be punished and set on work during the term of one whole year; and that if such woman should offend again in like manner, she should be committed to the house of correction, there to remain until she should put in good securities not to offend so again: And whereas the punishment aforesaid, if rigorously inflicted, might be too severe, and might subject the offender to imprisonment for life:" May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said recited act passed in the seventh year of His late Majesty King *James* the First, as relates to the commitment of women to the house of correction, there to be punished and set on work for having bastard children who may be chargeable to the parish, shall be and the same is hereby repealed.

So much of recited act as relates to the commitment of women for having bastard children repealed.

II. And be it further enacted, That from and after the passing of this act, in cases when a woman shall have a bastard child which may be chargeable to the parish, it shall be lawful for any two justices of the peace before whom such woman shall be brought, and they shall or may, at their discretion, commit such woman to the house of correction for the district or place, and there to be set on work for any time not exceeding twelve calendar months nor less than six weeks.

Limitation of punishment.

III. And be it further enacted, That it shall be lawful for any two justices of the peace, at any petty session for the division wherein the parish to which such bastard child may be chargeable is situate, upon their own knowledge or a certificate, duly authenticated from the keeper of such house of correction, in which such woman shall have been confined for any space not less than six weeks, of the good behaviour of such woman during such her confinement, and of the reasonable expectation of her reformation, by warrant under

Justices may mitigate confinement and discharge,

their hands and seals, to order such woman to be immediately (or at the time to be appointed in such warrant) discharged and released from further confinement.

No Woman to be committed till a certain period.

IV. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend to authorize any justices of the peace to commit any such woman to the house of correction, until she shall have been delivered for the space of one calendar month.

[50 Geo. III. Cap. 52.]

An Act to amend so much of an Act, passed in the Eighth and Ninth Year of King William *the Third, as requires poor Persons receiving Alms to wear Badges.*

[*9th* June 1810.]

8 & 9 W. III. c. 30.

"WHEREAS by an act passed in the eighth and ninth year of the reign of His late Majesty King *William* the Third, intituled, *An act for supplying some defects in the laws for the relief of the poor of this kingdom*, it is enacted, that every such person as, from and after the first day of *September* one thousand six hundred and ninety-seven, shall be upon the collection and receive relief of any parish or place, and the wife and children of any such person cohabiting in the same house (such child only excepted as shall be by the churchwardens and overseers of the poor permitted to live at home in order to have the care of and attend an impotent and helpless parent), shall upon the shoulder of the right sleeve of the uppermost garment of every such person, in an open and visible manner, wear such badge or mark as is hereinafter mentioned and expressed; that is to say, a large roman P together with the first letter of the name of the parish or place whereof such poor person is an inhabitant, cut either in red or blue cloth, as by the churchwardens and overseers of the poor it shall be directed and appointed; and if any such poor person shall at any time neglect or refuse to wear such a badge, or mark as aforesaid, and in manner as aforesaid, it shall and may be lawful for any justice of the peace of the

the county, city, liberty, or town corporate, where any such offence shall be committed, upon complaint to him for that purpose to be made, to punish every such offender for every such offence, either by ordering of his or her relief or usual allowance on the collection to be abridged, suspended or withdrawn, or otherwise by committing of any such offender to the house of correction, there to be whipt and kept to hard labour for any number of days not exceeding one and twenty, as to the said justice in his discretion it shall seem most meet; and if any such churchwarden or overseer of the poor, from and after the said first day of *September*, shall relieve any such poor person not having and wearing such badge or mark as aforesaid, being thereof convicted upon the oath of one or more credible witness or witnesses before any justice of the peace of the county, city, liberty, or town corporate where any such offence shall be committed, shall forfeit for every such offence the sum of twenty shillings, to be levied by distress and sale of the goods of every such offender, by warrant under the hand and seal of any such justice; one moiety to be to the use of the informer, and the other to the poor of the parish where the offence shall be committed: and whereas it is expedient that the said part of such act be repealed:" May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, the said part of such recited act shall be, and the same is hereby repealed.

So much of recited act as requires poor persons to wear badges repealed.

[51 Geo. III. Cap. 79.]

An Act to amend an Act of the Forty-eight Year of His present Majesty, for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in England.

[15*th* July 1811.]

"WHEREAS by an act passed in the forty-eighth year of His present Majesty's reign, intituled, *An act for the* 48 G. III. c. 96.

the better care and maintenance of lunatics, being paupers or criminals, in England, provision is made for the erection of asylums for lunatics and insane persons, being paupers or criminals, in counties or districts of counties in *England:* And whereas it is therein among other things enacted, that so soon as any lunatic asylum, so erected as aforesaid, shall be declared by the visiting justices to be completed, and in a fit state for the reception of lunatics and other insane persons, the justices of the peace acting respectively in and for any county or counties at the expence of which such asylum shall have been built, are authorized and directed to issue warrants upon the application of the overseers of the poor of any parish situate within such county or counties, for the conveyance of any lunatic, insane person, or dangerous idiot, who may be chargeable to such parish, to such asylum, there to be safely kept, until he or she shall be duly discharged: And whereas it is also therein enacted, that if any overseer of the poor of any parish shall wilfully neglect or delay to give information to such justice of any such lunatic or insane person who shall be chargeable to such parish, or to make application for such warrant as aforesaid, during the space of seven days from the time that he shall be acquainted that such person is so lunatic or insane, he shall be liable to a penalty therein specified: And whereas it is expedient that the justices of the peace to whom such applications shall be made, should have a discretionary power as to issuing or not issuing such warrants, in certain cases, and under certain restrictions, and particularly in cases where it shall be found that the number of applications on the behalf of persons having just claims to be admitted does at any time exceed the number of those who can be properly accommodated in such asylum, with a view to cure, comfort, and safe custody:" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That whenever any application shall be made by the overseer of the poor of any parish in any county or district of counties, at the expence of which any lunatic asylum shall have been erected, to any justice of the peace acting in and for such county or counties, to issue his warrant for they conveyance of any lunatic or insane person to such asylum, it shall and may be lawful for such justice

Whenever application shall be made by overseers of any parish of any county in which any lunatic

tice to refuse to issue the warrant so required, if he shall so think fit, such lunatic or insane person not being actually dangerous: provided nevertheless, that any justice so refusing to issue such warrant as aforesaid, shall, at the time of his so refusing, deliver in writing to the overseers of the poor making such application as aforesaid the reasons for such refusal.

asylum is erected for a warrant for the conveyance of any lunatic the justice may refuse it, stating his reasons.

II. Provided also, and be it enacted, That if any person or persons shall think themselves aggrieved by such refusal of any justice as aforesaid, such person or persons may appeal to the justices of the peace at the next general or quarter sessions of the peace to be holden in and for the county or place where the matter of appeal shall have arisen, the person or persons so appealing having given to the person against whom such appeal shall be made, ten days notice of his, her, or their intention to make such appeal; and the said justices at such sessions are hereby authorized and required to hear and determine the matter of such appeal in a summary way, and to make such determination as they shall think proper; and every such determination shall be final and conclusive to all intents and purposes whatsoever.

Persons aggrieved may appeal to the quarter-sessions

III. Provided also, and be it enacted, That every justice who shall have issued a warrant or warrants for the conveyance of any lunatic or insane person to such asylum, or who shall have refused to issue such warrant or warrants, on the application of the overseers of the poor of any parish, shall make regular returns to the next general quarter sessions of the peace to be holden in and for the county in which such parish shall be situate, of all cases brought before him, in which he shall have granted, or refused to grant, a warrant or warrants for such conveyance, stating in all cases of refusal the reasons for such refusal; and such returns shall be regularly filed and kept among the records of such court of general quarter sessions.

Justices to make returns to the quarter-sessions of the cases brought before them.

IV. And be it further enacted, That the overseers of the poor of any parish, on making their application to any justice of the peace for the conveyance of any lunatic or insane person, or dangerous ideot, as aforesaid, shall produce to such justice a certificate in writing from some medical person, of the state and degree of lunacy of the person on whose behalf such application shall be made; and that it shall be further lawful for such justice to cause such lunatic, insane person,

Overseers to produce certificate of a medical person of the state of the lunatic.

or dangerous ideot, to be visited by such medical person as he shall think fit, and to examine the said medical person upon oath as to the state and degree of lunacy of such lunatic, insane person, or dangerous ideot, and to order such sum to be paid to such medical person for his attendance as may seem just and reasonable, and such sum shall be paid by the overseers of the poor of the parish making such application out of the money raised therein for the relief of the poor.

Medical superintendant of asylum to make returns of the state of persons entrusted to his care.

V. And be it further enacted, that the medical superintendant of every such asylum as aforesaid shall make regular returns to the justices of the peace assembled at their general or quarter sessions, at least once in every year, of the state and condition of all persons committed to his care under the authority of the aforesaid act passed in the forty-eighth year of His present Majesty's reign, and of this act, in order that the said justices may be enabled, from the inspection of such returns, and from the report of such medical superintendant, to direct the discharge of any persons from such asylum who may appear from such returns and report to be no longer fit objects to remain therein; and that the said justices may at the same time issue their warrants (which they are hereby authorized to issue) for the admission of such other persons at their discretion, as may appear to be the fittest objects for immediate reception therein, out of the several persons on whose behalf application may have been made to any justice of the peace as aforesaid, and whose cases may have been regularly reported to the said general or quarter sessions.

The expence of removal of a pauper shall be paid by the parish in which the pauper shall be legally settled.

VI. And be it further enacted, That on the regular discharge of any pauper from any such asylum the necessary expences attending the removal of such pauper shall be borne by the parish in which such pauper shall be legally settled, and such expences being allowed by two justices of the peace acting in and for the county in which such parish shall be situated shall be paid by the overseers of the poor of such parish out of the money raised therein for the relief of the poor.

Bastards of lunatics to have the legal settlement of the mother.

VII. And be it further enacted, That no bastard child which shall be born of any lunatic, insane person, or dangerous ideot, in any such asylum, shall thereby gain a settlement in the parish in which such asylum shall be situated; but

but that the place of the legal settlement of any such child so born as aforesaid shall be in the parish where the mother of such child was last legally settled.

[51 Geo. III. Cap. 80.]

An Act to render valid certain Indentures for the Binding of Parish Apprentices. [15*th* June 1811.]

"WHEREAS by an act passed in the forty-third year of the reign of Her late Majesty Queen *Elizabeth*, intituled, *An act for the relief of the poor*, it is enacted, that the churchwardens of every parish, and four, three, or two substantial householders there, as shall be thought meet, having respect to the proportion and greatness of the same parish and parishes, to be nominated yearly in *Easter* week, or within one month after *Easter*, in the manner therein directed, shall be overseers of the poor of the same parish; and that it shall be lawful for the said churchwardens and overseers, or the greater part of them, by the assent of two justices of the peace, to bind the children of such parents as shall not by the said churchwardens and overseers, or the greater part of them be thought able to maintain their children, to be apprentices: And whereas in divers small parishes two persons only have been annually appointed to act in the capacity of churchwardens as well as overseers of the poor. And whereas divers indentures for the binding of parish apprentices, and certificates of the settlements of poor persons, have been executed and signed by such two persons, purporting to be the churchwardens and overseers of such parishes; but, by reason that the said indentures and certificates have not been signed by distinct persons as churchwardens and other distinct persons as overseers, such indentures and certificates have been or may be deemed to be void:" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all indentures for the binding of parish apprentices, Indentures and certifi-

43 Eliz. c. 2.

cates which have heretofore been signed by two persons only acting as churchwardens and overseers, to be valid.

tices, and all certificates of the settlements of poor persons, which have been heretofore executed and signed by two persons only, acting or purporting to act in the capacity of churchwardens as well as of overseers of the poor, and also all such indentures and certificates as shall hereafter be so signed, shall be considered as good, valid, and effectual, as if the same had been executed and signed by distinct persons as churchwardens and distinct persons as overseers of the poor, according to the said recited act; any thing therein or in any other act contained to the contrary thereof notwithstanding.

Act not to affect any prior decision in any court.

II. Provided always, That nothing in this act contained, shall extend to do away or alter any decision which may have taken place in any court of law, respecting the binding of any parish apprentice, or the settlement of any poor person before the passing of this act.

[51 Geo. III. c. 106.]

An Act for enabling the Wives and Families of Soldiers embarked for Foreign Service, to return to their Homes.

[26*th* June 1811.]

"WHEREAS great inconvenience and expence is incurred by parishes in which barracks are situated, and from whence regiments embark when ordered on foreign service, from the wives and children of the soldiers so embarking for foreign service being left to return to the place of their residence or settlement, and they often spend the money given to them for the purpose of enabling them so to return, and become burthensome to the parish; and it is therefore expedient that provision should be made for enabling such wives and children to return to their homes, or for passing them as vagrants to their places of residence or settlement in case of misconduct;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the

the authority of the same, That upon any regiment, battalion, corps, or detachment, being embarked for foreign service, the commanding officers thereof shall cause a list or lists to be made out of all the wives and children of the soldiers belonging to such regiment, battalion, corps, or detachment, to be left at the place of embarkation, who are desirous of claiming the allowance authorized by this act, for the purpose of enabling them to return to their homes or places of settlement, either in one list for the regiment, battalion, corps, or detachment, or separate lists for each company; and shall give to every such wife a duplicate of such part of such list as shall apply to each wife and her family of children respectively, certifying thereon under his hand, that the person to whom such certificate is given is the wife or reputed wife of a soldier in his regiment, battalion, corps, or detachment: and he shall transmit such list or lists so made out to the secretary at war.

On any regiment, &c. embarking for service, the commanding officer to make out list of wives and children of soldiers to be left at the place of embarkation, and shall give to each wife a duplicate properly certified.

II. And be it further enacted, That each wife to whom any such duplicate shall have been delivered as aforesaid shall forthwith take the same to some neighbouring justice or magistrate, who shall make out a route for her, and fill up and sign a certificate specifying the place to which such woman is going, and her route, that she may receive such allowances as are authorized by this act, not exceeding two-pence *per* mile.

Duplicate to be shewn to a magistrate, who shall make out route and give a certificate.

III. And be it further enacted, That upon production of such certificate to any overseer of the poor of any place through which such woman shall pass, he shall, out of any money in his hands applicable to the relief of the poor, pay her an allowance not exceeding the rate *per* mile specified in such certificate as aforesaid, for the number of miles to the next city, town, or place to which she may be going, not exceeding eighteen miles, and he shall indorse on such certificate the money so paid, and take a receipt from the woman signed with her hand or with her mark, specifying the regiment, battalion, corps, or detachment, to which her husband belongs, so as that the description on the receipt may correspond with the description in the certificate so produced to him as aforesaid.

Overseer upon production of the certificate, to pay her an allowance at so much per mile to the next place.

IV. And be it further enacted, That the sum so advanced by such overseer shall, upon production and delivery of such receipt to the collector of excise of the district within

Overseers to be repaid by collector of excise, and

money advanced for the purpose from the excise to be repaid by war office.

which such overseer acts as such, or any person officiating for such collector, be repaid to such overseer for the use of the fund for the relief of the poor, by such collector of excise or other person, out of any public monies in his hands, and the same shall be allowed in his accounts; and such overseer shall give a receipt for the money so paid to such collector or other person, and such receipt of the overseer, together with the receipt of the woman, shall be taken as cash in the payment of duties of excise received by such collector, and all sums of money so advanced out of any duties of excise, shall be repaid by the agents of the regiments to which the soldiers belong whose wives and families have been so relieved, or by any other person to be appointed for that purpose by the secretary at war, to such person or persons as shall be authorized by the commissioners of excise in *England* or *Scotland* respectively to draw for or receive the same, for or on account of the said duties.

At last place of receiving allowance, certificate to be delivered up to overseer, &c.

V. And be it further enacted, That every such woman shall at the last place of her receiving any allowance under this act, antecedent to her arrival at her home or place of settlement, deliver up such certificate to the overseer of the poor advancing such allowance, who shall deliver the same to the collector of excise, and the same shall be, by such collector of excise, transmitted to the war office.

Women not complying with regulations may be treated as vagrants.

VI. And be it further enacted, That wives of soldiers not complying with the regulations hereinbefore prescribed shall be treated as vagrants, and may be passed as such to their homes, either in *England*, *Ireland*, or *Scotland* respectively, as the case may be.

[52 Geo. III. Cap. 83.]

An Act to revive and continue, until the Twenty-fifth Day of March *One thousand eight hundred and thirteen, and amend so much of an Act, made in the Thirty-ninth and Fortieth Year of His present Majesty, as grants certain Allowances to Adjutants and Serjeant-Majors of the Militia of* England, *disembodied under an Act of the same Session of Parliament.*

[1*st* July 1812.]

"WHEREAS it is expedient that an act, passed in the thirty-ninth and fortieth year of the reign of His present Majesty, intituled, *An act for granting, until the twenty-fifth day of* March *one thousand eight hundred and one, certain allowances to adjutants, serjeant-majors, and serjeants of militia, disembodied under an act of this session of parliament, intituled,* '*An act for enabling His Majesty to accept the services of an additional number of volunteers from the militia under certain restrictions,*' which has been revived and continued by several subsequent acts until the twenty-fifth day of *March* one thousand eight hundred and twelve, should be again revived and further continued, so far as the same relates to adjutants and serjeant-majors;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act and the allowances therein granted and mentioned to adjutants and serjeant-majors, and all the provisions relating thereto, shall be revived from the said twenty-fifth day of *March* one thousand eight hundred and twelve, and be further continued until the twenty-fifth day of *March* one thousand eight hundred and thirteen, so far as the same relates to adjutants and serjeant-majors; and that all such and the like allowances as would have been payable and paid unto any adjutants and serjeant-majors, if the said act and allowances had been continued by any act of parliament before the said twenty-fifth day of *March* one thousand eight hundred and twelve, shall be payable and paid, and

39 & 40 Geo. III. c. 44.

Recited act revived and continued till March 25, 1813, so far as respects adjutants, &c.

all arrears thereof fully satisfied, in like manner in every respect as if this act had passed before the said twenty-fifth day of *March* one thousand eight hundred and twelve.

Reduced adjutants entitled to their pay as well as the allowance under this act.

II. And be it further enacted, That every reduced adjutant entitled to any allowance under this act may receive and take such allowance, together with the pay of any such commission, or half pay, or any such other allowance or emolument, as is allowed to be held or received by any adjutant of any militia in that part of *Great Britain* called *England*, together with any pay or allowance to which he may be entitled as such adjutant: Provided always, that no such reduced adjutant shall be entitled to receive any allowance under this act during the time he shall hold any place of profit, civil or military, under His Majesty, other than such as aforesaid.

[52 Geo. III. Cap. 120.]

An Act to explain, amend, and extend the Provisions of an Act, passed in the last Session of Parliament, for enabling the Wives and Families of Soldiers to return to their Homes, to the Widows, Wives, and Families of Soldiers dying or employed on Foreign Service.

[13*th* July 1812.]

"WHEREAS the wives and widows and children of soldiers on foreign service often return from foreign parts on account of the death of their husbands, or from other causes, and, upon being landed in the country, are destitute of any means of returning to their respective homes: And whereas it is expedient that the provisions of an act, passed in the last session of parliament, intituled, *An act for enabling the wives and families of soldiers embarked for foreign service to return to their homes*, should be extended for the relief of persons so circumstanced; and that the said act should be in other respects amended;" Be it therefore enacted by the King's most excellent Majesty, by

51 G. III. c. 106.

and

and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That when any wives, widows, or children of soldiers employed on foreign service shall return to *Great Britain*, the officer commanding the regiment, battalion, or corps, to which the husband or father of any such woman or child do or did belong, shall give her a certificate stating that the person to whom such certificate is given is or was the wife of, and her child or children is or are the child or children of a soldier in his regiment, battalion, corps, or detachment, in like form and manner as the certificates given by officers commanding corps to the wives and families of soldiers embarking for foreign service under the direction of the said recited act; and if any women, the wives or widows of soldiers on foreign service, or their children, shall land at any place in *Great Britain* without having such certificates as are enacted by this act, it shall be lawful for the general officer commanding at the nearest place to that where they shall so land, and he is hereby required, upon application made to him, to give any such woman applying for it such certificate as aforesaid, which shall entitle her to the allowance for herself and her children (if any) granted by this act; and every such widow or wife shall, upon any certificate granted under this act, receive such allowances for herself and family as are allowed, granted, and directed by the said recited act, upon certificates granted by officers commanding corps, in respect of wives and families of soldiers embarking for foreign service, in like manner as if such allowances were specially granted by this act, and as if all the rules and regulations for the giving, regulating, paying, and accounting for and returning the same, were specially and particularly re-enacted in this act.

When any wives, &c. of soldiers return from abroad, certificates to be given by the commanding officer, &c. or if they land without such certificate, by the nearest general officer, which shall entitle them to receive the allowance.

II. And be it further enacted, That every widow or wife of any soldier to whom any such certificate shall have been delivered, as is directed by the said recited act or this act, shall forthwith take the same to some justice of the peace, or magistrate, who shall make out a route and fill up and sign a certificate specifying the place to which such widow or wife and family is going; specifying the number of children; and it shall be lawful for such justice of the peace or magistrate, in lieu and instead of the rate of allowance directed

Certificates to be shewn to a magistrate who shall make out a route and give a certificate, which shall entitle them to an allowance.

rected by the said recited act, to direct any such allowance as he shal deem necessary, not exceeding three halfpence *per* mile for each such woman, and one penny *per* mile for each of her children; any thing in the said recited act authorizing a rate of allowance to the contrary notwithstanding.

[52 Geo. III. Cap. 160.]

An Act to enable Justices of the Peace to order Parochial Relief to Prisoners confined under Mesne Process for Debt in such Gaols as are not County Gaols.

[29*th* July 1812.]

"WHEREAS great distress is suffered by poor persons confined under mesne process for debt in such gaols as are not county gaols, in consequence of their not receiving any allowance whereon to subsist during the time of such confinement:" May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall be lawful for any one justice of the peace acting for the county, riding, or division wherein any gaol which is not a county gaol is situated, to order the overseers of the poor of the parish, township, or place wherein any such gaol (which is not a county gaol) shall be situated, to relieve any poor person who shall be confined in such gaol under mesne process for debt, and who shall appear to such justice to be unable to support himself or herself, and who shall have applied for relief to such overseers as aforesaid.

Justice to order parochial relief to debtors in such gaols as are not county gaols.

II. Provided always, and be it further enacted, That the sum to be given for the relief of any such poor person shall not exceed sixpence *per diem* during the time of his or her confinement in such gaol under mesne process for debt.

Limiting the sum.

III. And be it further enacted, That the overseers of the poor of any such parish, township, or place to whom any such

Legal settlement of debtor to be ascertained.

such application for relief shall be made as aforesaid, if they shall doubt whether such poor person is legally settled in such parish, township, or place, shall cause him or her to be examined upon oath before one or more justice or justices of the peace, touching his or her last legal settlement, upon which examination it shall be lawful for justices to make an order for the removal of such poor person to the place of his last legal settlement, and to suspend the execution of such order of removal during the time of such person being confined in such gaol under such mesne process, which suspension of the same shall be indorsed on the said order, and signed by such justices, and the subsequent permission to execute the same shall be also indorsed on the said order, and signed by such justices, or by any other two justices of the peace acting for the same county, riding, or division.

Order of removal to be suspended while debtor is imprisoned,

IV. Provided always, and be it enacted, That a copy of the order of removal, and of the order for suspending the execution of the same as aforesaid, shall, as soon as may be after the making thereof respectively, be served upon the overseers of the poor of the parish, township, or place in which such poor person shall by such order of removal be adjudged to be legally settled.

and to be served on the overseers of the poor of his parish.

V. And be it further enacted, That although such poor person shall not have been actually removed in pursuance of such order of removal as aforesaid, it shall be lawful for any justice of the peace to direct the overseers of the poor of the parish, township, or place in which such pauper is adjudged to be settled, to repay to the overseers of the poor of the parish, township, or place wherein such gaol shall be situated, all the charges proved upon oath of any such overseers of the parish, township, or place where the gaol is situated, to have been incurred in granting relief to such pauper during the time of his confinement and the suspension of such order, not exceeding sixpence *per diem;* and if the overseers of the parish, township, or place to which such order of removal shall be made, or any or either of them, shall refuse or neglect to pay any such sum so advanced as aforesaid within twenty-one days after demand thereof, and shall not within the same time give notice of appeal as is hereinafter mentioned, it shall be lawful for one justice of the peace, by warrant under his hand and seal, to cause

who shall repay the expence attending the pauper.

In case of refusal, the money advanced to be levied by distress.

cause the money so directed to be paid as aforesaid to be levied by distress and sale of the goods and chattels of the person or persons so refusing or neglecting to pay the same, and also such costs attending the same, not exceeding forty shillings, as such justice shall direct; and if the parish, township, or place to which the removal was ordered to be made, be without the jurisdiction of the justice of peace issuing the warrant, then such warrant shall be transmitted to any justice of the peace having jurisdiction within such parish, township, or place as aforesaid, who upon receipt thereof is hereby authorized and required to indorse the same for execution: Provided nevertheless, that if the sum so ordered to be paid on account of such costs and charges exceed the sum of five pounds, the party or parties aggrieved by such order may appeal to the next general quarter sessions for the county, riding, or division in which such gaol is situated, against the same, as they may do against an order for the removal of poor persons by any law now in being; and if the court of quarter sessions shall be of opinion that the sum so awarded be more than of right ought to have been directed to be paid, such court may and is hereby directed to strike out the sum contained in the said order, and insert the sum which in the judgment of the said court ought to be paid, and in every such case the said court of quarter sessions shall direct that the said order so amended shall be carried into execution by the said justices by whom the order was originally made, or either of them, by such other justice or justices as the said court shall direct.

Appeal allowed to quarter session.

VI. Provided always, and be it further enacted, That it shall be lawful for the overseers of the poor of the parish, township, or place wherein such poor person shall, by such order of removal, be adjudged to be legally settled, to appeal against such order to the next general quarter sessions of the peace for the county, riding, or division in which such gaol is situated, holden after the service of the copy of such order of removal, in case such copy shall have been served upon such overseers twenty-one days before the holding of such quarter sessions, but in case the same shall not be served twenty-one days before the holding of such next general quarter sessions, then the appeal may be to the next succeeding general quarter sessions holden for the said county,

county, riding, or division, and upon such appeal the like proceedings may be had as are observed in other cases of appeals against orders of removal of poor persons by any law now in being: Provided always, that in case such order of removal and suspension is not appealed against in manner aforesaid, or if upon appeal such order shall be confirmed, such poor person shall be deemed and taken to be legally settled in the parish, township, or place in which he shall by such order of removal be adjudged to be legally settled.

In case the pauper has no legal settlement in England or Wales, the allowance shall be paid out of the county rate.

VII. And be it further enacted, That in case any poor person applying for relief under the provisions of this act shall, upon his examination as to his last legal settlement, be found not to be legally settled in any parish, township, or place within *England* and *Wales*, it shall be lawful for any one justice of the peace to order the overseers of the poor of the parish, township, or place wherein the gaol is situated (in which such poor person shall be confined under mesne process for debt) to relieve such poor person with a sum not exceeding sixpence *per diem* out of the funds in their hands applicable to the relief of the poor, which sum shall be reimbursed to the overseers of the poor of the said parish, township, or place, for the use of such funds, out of the county rate, by the treasurer of the county, riding, or division in which such parish, township, or place shall be situated, at the expiration of the confinement of such poor person upon such mesne process as aforesaid.

[53 Geo. III. Cap. 113.]

An Act for providing Relief for the poor Prisoners confined in the King's Bench, Fleet, *and* Marshalsea *Prisons.* [10*th* July 1813.]

43 Eliz. c.2.

"WHEREAS by an act made in the forty-third year of the reign of Queen *Elizabeth*, intituled *An act for the relief of the poor*, the justices of the peace of every county or place corporate, at their general sessions, were directed to rate every parish to a weekly sum, in manner therein mentioned, and to set down what competent sums of money should

should be sent quarterly, out of every county or place corporate, for the relief of the poor prisoners of the *King's Bench* and *Marshalsea* prisons, so as there were sent out of every county yearly twenty shillings at the least to each of the said prisons of the *King's Bench* and *Marshalsea*; to be collected in manner therein expressed, and to be paid over to the lord chief justice of *England* and knight marshal for the time being, equally to be divided between them to the use aforesaid, or in default of the said chief justice, to the next ancientest justice of the *King's Bench*; and by the same act it was directed, that all surplusage of money which should remain in the stock of any county, should, by the discretion of the justices of the peace in their quarter sessions, be bestowed for the relief of the poor hospitals in that county, and for other charitable purposes: and whereas an act was made in the eleventh year of the reign of His late Majesty King *George* the Second, intituled *An act for the more effectually securing the payment of certain sums of money directed by an act made in the forty-third year of the reign of Queen* Elizabeth, *intituled 'An act for the relief of the poor,' to be paid by the respective treasurers in every county in* England *or* Wales *for the relief of the prisoners of the* King's Bench *and* Marshalsea *prisons:* And whereas, by an act made in the twelfth year of the reign of His late Majesty King *George* the Second, intituled *An act for the more easy assessing, collecting, and levying of county rates*, so much of the said recited act of the forty-third year of the reign of Queen *Elizabeth*, as related to the method of raising money for the relief of the *King's Bench* and *Marshalsea* prisons, was repealed; and such sums as had been usually paid to the said *King's Bench* and *Marshalsea* prisons, were directed to be paid out of the monies arising by virtue of the said act now in recital, at such times and in such manner as was prescribed in and by the said act of the eleventh year of the reign of His said late Majesty King *George* the Second, and whereas the sums of money provided and secured to be paid by the aforesaid acts are not sufficient for the relief of the poor prisoners confined in the said *King's Bench* and *Marshalsea* prisons: and whereas no adequate relief has been provided for the poor prisoners confined in the *Fleet* prison: And whereas it is expedient that the provisions contained in the said acts of the forty-third

11 G. II. c. 20.

12 G. II. c. 29.

of the reign of Queen *Elizabeth*, and the twelfth year of the reign of His late Majesty King *George* the Second, so far as the same respectively regard the relief of the poor prisoners in the said *King's Bench* and *Marshalsea* prisons, and also the provisions contained in the said act of the eleventh year of the reign of His said late Majesty King *George* the Second, should be repealed, and that sufficient relief should be provided and secured for the poor prisoners confined in the *King's Bench* and *Marshalsea* prisons, and also for the poor prisoners confined in the said *Fleet* prison: and whereas *Bethlem Hospital* is a charity for the reception and cure of lunatics and distracted persons from all parts of the kingdom, and from His Majesty's fleets and armies; and any surplus which shall remain of the monies provided by this act, after relieving the poor prisoners in the said prisons, may with great propriety be bestowed toward the relief of the said hospital:" May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, the said acts of the forty-third year of the reign of Queen *Elizabeth*, and the twelfth year of the reign of His said late Majesty King *George* the Second, and all and every the clauses, powers, provisions, matters, and things therein respectively contained, so far as the same relate or apply to the yearly sums provided for the relief of the poor prisoners confined in the *King's Bench* and *Marshalsea* prisons, and also the said act of the eleventh year of the reign of His late Majesty King *George* the Second, and all and every the clauses, powers, provisions, matters, and things therein contained, shall be and the same are hereby repealed.

Certain provisions of act of 43 Eliz. and 12 G. 2. relating to prisoners, repealed.

11 G. II. repealed.

II. And be it further enacted, That every treasurer of every county and division of a county mentioned in the schedule to this act annexed, shall, on or before the first day of *August* in every year, pay out of the public stock or rates of such county and division of a county respectively, the several sums of money specified in the schedule to this act annexed, in manner following, (that is to say,) the sums for the relief of the prisoners confined in the *King's Bench* and *Marshalsea* prisons, to be paid to the treasurer for the county of *Surrey*; and the sums

Treasurers directed to pay the sums mentioned in the schedule out of the county rate.

sums for the relief of the prisoners confined in the *Fleet* prison, to be paid to the treasurer or chamberlain of the city of *London*.

To whom treasurer is to pay the money.

III. And be it further enacted, That the treasurer for the time being of the county of *Surrey*, shall from time to time pay the sums of money to be received by him from the said treasurers, and also the sums to be paid out of the publick stock or rates of the said county of *Surrey*, for the relief of the prisoners in the *King's Bench* and *Marshalsea* prisons, to such sufficient person or persons residing near the said prisons respectively at such times and in such manner as the justices of the peace for the county of *Surrey*, or the major part of them, at their general quarter sessions, shall from time to time order and direct.

To whom the chamberlain of London is to pay the money.

IV. And be it further enacted, That the treasurer or chamberlain for the time being of the city of *London* shall from time to time pay the sums of money to be received by him from the said treasurers, for the relief of the prisoners in the *Fleet* prison, to such sufficient person or persons residing near the said prison, at such times and in such manner as the justices of the peace for the city of *London*, or the major part of them, at their general quarter sessions, shall from time to time order and direct.

Receipts of treasurers to be sufficient discharges.

V. And be it further enacted, That receipts signed by the treasurer for the time being of the county of *Surrey*, and the treasurer or chamberlain for the time being of the city of *London*, for any monies payable to them respectively by virtue of this act, shall be sufficient discharges for the same; and that receipts signed by any person or persons appointed by the justices of the peace of the county of *Surrey*, and city of *London* respectively, at their quarter sessions respectively, to receive any monies payable by virtue of this act, shall be sufficient discharges to the treasurer for the county of *Surrey*, and the treasurer or chamberlain of the city of *London* respectively.

Courts of King's Bench and Common Pleas may enforce compliance with the regulations of the act.

VI. And be it further enacted, That if any treasurer shall neglect or refuse to pay over any such respective sums of money as ought to be paid by him to the treasurer of the county of *Surrey*, and the treasurer or chamberlain of the city of *London* respectively as aforesaid, or any treasurer of the county of *Surrey*, or treasurer or chamberlain of the city of *London*, shall neglect or refuse to pay over such respective sums

sums of money as ought to be paid by him respectively by virtue of this act, then and in every such case, upon the certificate or certificates, on oath of the treasurer or treasurers, person or persons, to whom the same respectively ought to be paid, being delivered to either of His Majesty's courts of *King's Bench*, and *Common Pleas*, or to the court of *Marshalsea*, of such neglect or refusal, it shall be lawful for the said courts of *King's Bench*, *Common Pleas*, or *Marshalsea*, or either of them, to make a rule on every such treasurer so neglecting or refusing as aforesaid, requiring such treasurer to pay the money so reported or certified to be due as aforesaid; and obedience to such rules respectively shall and may be enforced by the said courts, in such manner and by such ways and means as rules of the said courts respectively are usually enforced.

Treasurers to register their names and places of abode.

VII. And that the said treasurers may be the better amenable to the said courts, be it further enacted, That every person who now is or hereafter shall be elected or appointed treasurer of any county, or division of a county, named in the schedule to this act annexed, shall, within one calendar month after the first day of *August*, or within one calendar month after his election or appointment respectively into such office of treasurer, transmit his name and place of abode to the clerk of the crown in His Majesty's said court of *King's Bench*, to be by him entered or registered in a book to be kept for that purpose, for which entries no fee or reward shall be taken; and in case any such treasurer shall neglect or refuse to transmit his name or place of abode as aforesaid, that then, upon the report of the said clerk of the crown, made to the said court of *King's Bench*, of such neglect or refusal, every such treasurer shall be liable to be proceeded against in the same manner as in case of neglecting or refusing to pay such money as aforesaid.

Charge of rules of court to be paid by treasurer, in case of their neglect.

VIII. And be it further enacted, That from time to time and as often as there shall be occasion for the said courts of *King's Bench*, *Common Pleas*, and *Marshalsea*, respectively to make any rule or rules as aforesaid, on any of the said treasurers in pursuance of this act, the whole cost and charge of making such rule or rules, and all subsequent charges arising therefrom, shall be paid by the treasurer whose default or neglect shall cause the making of such rule.

Money to be weekly distributed to prisoners.

IX. And be it further enacted, That the sum and sums of money provided by this act, shall from time to time be distributed by the person or persons to whom the same respectively shall be directed to be paid as aforesaid, by weekly payments, for the relief of such prisoners as shall from time to time be ordered to be relieved, in manner hereinafter mentioned.

Limiting the sum to be allowed to prisoners.

X. And be it further enacted, That it shall be lawful for any justice of the peace for the county of *Surrey* to order such relief as he shall think proper, to be given to any prisoner confined in the said *King's Bench* or *Marshalsea* prisons, and for any alderman or justice of the city of *London*, to order such relief as he or they shall think proper, to be given to any prisoner confined in the said *Fleet* prison, but subject nevertheless to the provisions hereinafter contained, and to any rules, orders and regulations which shall be made as hereinafter is mentioned: provided always, that the sum to be given to any one prisoner shall not exceed sixpence *per diem*.

No prisoner charged in execution, to be relieved after the first day of next term.

XI. Provided always, and be it further enacted, That no prisoner who shall be charged in execution for debt, shall be relieved by virtue of this act, after the first day of the term next following the time when he or she shall be charged in execution.

No prisoner to be relieved possessed of property above a certain sum.

XII. Provided always, and be it further enacted, That no prisoner shall be ordered to be relieved by virtue of this act, until he or she shall first have made oath before a judge of one of the courts of law at *Westminster*, or of the *Marshalsea*, or a commissioner appointed by one of the said judges to take affidavits, that he or she is not worth ten pounds in all the world, and that he or she cannot subsist himself or herself without the relief or assistance provided by this act; and if any such prisoner shall wilfully forswear or perjure himself or herself in taking any such oath as aforesaid, and shall be lawfully convicted thereof, he or she so offending shall suffer such punishment as by law may be inflicted on persons convicted of wilful and corrupt perjury.

Nor who shall have become supersedeable, or otherwise entitled to be discharged.

XIII. Provided always, and be it further enacted, That no prisoner shall be relieved by virtue of this act, who shall have become supersedeable, or entitled to be discharged under any act for the relief of insolvent debtors.

XIV. And

Directing the appropriation of surplus monies.

XIV. And be it further enacted, That all the surplus and residue (if any) which may from time to time, on the first day of *August*, in the third year after the passing of this act, and on the first day of *August* in every succeeding third year, remain in the hands of the treasurer of the county of *Surrey*, and the treasurer or chamberlain of the city of *London*, and the person or persons to whom the same respectively shall have been paid, or any of them, of any of the monies payable by virtue of this act, to such treasurers respectively, on or before the first day of *August* in the preceding year, after relieving the poor prisoners confined in the aforesaid prisons, according to the directions hereinbefore mentioned, shall be forthwith paid by them respectively, to the treasurer for the time being of *Bethlem Hospital*, for the relief and benefit of the said hospital.

Accounts to be kept and verified upon oath.

XV. And be it further enacted, That the treasurer for the time being of thecounty of *Surrey*, and also the person or persons for the time being appointed to receive and distribute the monies provided by this act for the relief of the prisoners confined in the *King's Bench* and *Marshalsea* prisons, at the general quarter sessions for the county of *Surrey*, held next after *Easter* in every year; and also that the treasurer or chamberlain for the time being of the city of *London*, and the person or persons for the time being appointed to receive and distribute the monies provided by this act for the relief of the prisoners confined in the *Fleet* prison, at the general quarter sessions for the city of *London* held next after *Easter* in every year, shall respectively lay before the justices there assembled, a full, true, and exact account of all their respective receipts and disbursements of the monies provided by this act, and shall verify the same accounts, if required, upon oath.

Justices empowered to make regulations in addition to the provisions of the act.

XVI. And be it further enacted, That it shall be lawful for the justices of the peace acting in and for the said county of *Surrey*, or the major part of them, at their general quarter sessions, with respect to the sums of money hereby provided for the relief of the poor prisoners confined in the said prisons of the *King's Bench* and *Marshalsea*, and also for the justices of the peace acting in and for the city of *London*, or the major part of them, at their general quarter sessions, with respect to the sums of money hereby provided for the relief of the poor prisoners confined in the said *Fleet* prison,

and they respectively are hereby authorized and empowered, from time to time, when and as often as they respectively shall think proper, to make any orders, rules, and regulations, respecting the payment and application of the monies hereby provided, and the prisoners who shall be relieved thereby, and the securities to be entered into for the due application thereof, and the accounts to be made and given respecting the same, and the remuneration to be allowed thereout to persons employed in the execution of this act, or otherwise, for the better execution of this act; provided that the same be made as additions to the provisions hereinbefore contained, and be not contradictory thereto; and also to alter the same rules, orders, and regulations, as and when they shall think fit.

Publick act. XVII. And be it further enacted, That this act shall be deemed and taken to be a publick act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

The SCHEDULE to which this Act refers.

COUNTIES AND DIVISIONS.	The SUMS to be paid by them for the Relief of the Prisoners in the Prisons of		
	King's Bench.	Fleet.	Marshalsea.
	£	£	£
Bedford	5	5	—
Berks	10	10	—
Bucks	10	5	—
Cambridge County	5	5	—
Cambridge Isle of Ely and Town of Cambridge	5	5	—
Chester	10	10	—
Cornwall	10	5	—
Cumberland	10	5	—
Derby	10	10	—
Devon	20	15	—
Dorset East Division	5	5	—
Dorset West Division	5	5	—
Durham	15	10	—
York East Riding	10	10	—
York North Riding	15	10	—
York West Riding	30	20	—
Essex East Division	10	5	—
Essex West Division	10	5	25
Gloucester	15	10	—
Hereford	10	5	—
Hertford	10	10	—
Huntingdon	5	5	—
Kent East Division	10	5	—
Kent West Division	10	5	25
Lancaster	30	25	—
Leicester	10	10	—
Lincoln Holland Division	5	5	—
Lincoln Kesteven Do.	5	5	—
Lincoln Lindsay Do.	10	5	—
Middlesex	100	50	200
Norfolk	15	10	—
Northampton East Division	5	5	—
Northampton West Division	5	5	—
Northumberland	15	10	—
Nottingham North Division	5	5	—
Nottingham South Division	5	5	—

COUNTIES AND DIVISIONS.	The SUMS to be paid by them for the Relief of the Prisoners in the Prisons of		
	King's Bench.	Fleet.	Marshal-sea.
	£	£	£
Oxford	10	5	—
Rutland	5	5	—
Salop	10	10	—
Somerset, West	10	5	—
Somerset, East	10	5	—
Southampton	15	10	—
Stafford	15	10	—
Suffolk, Beccles Division	—	5	—
Suffolk, Woodbridge Do.	5	—	—
Suffolk, Bury St. Edmund's Do.	5	5	—
Suffolk, Ipswich Do.	5	—	—
Surry	50	40	50
Sussex, East Division	10	5	—
Sussex, West Division	10	5	—
Warwick	15	10	—
Westmorland, East Ward	5	—	—
Westmorland, Kendal Ward	—	5	—
Wilts	15	10	—
Worcester	10	10	—
Anglesea	2	2	—
Brecon	2	2	—
Cardigan	2	2	—
Carmarthen	3	3	—
Carnarvon	2	2	—
Denbigh	3	3	—
Flint	2	2	—
Glamorgan	3	3	—
Merioneth	2	2	—
Monmouth	3	3	—
Montgomery	2	2	—
Pembroke	2	2	—
Radnorshire	2	2	—

THE END.

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